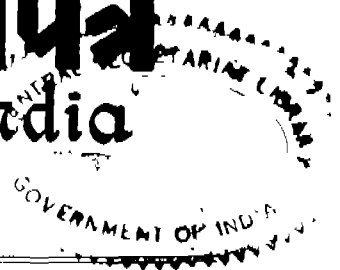


भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 17] नई दिल्ली, शनिवार, अप्रैल 26, 1969/वैशाख 6, 1891
No. 17] NEW DELHI, SATURDAY, APRIL 26, 1969/VAISAKHA 6, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 3 अप्रैल, 1969 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 3rd [April, 1969:—

| Issue No. | No. and date | Issued by | Subject |
|-----------|-------------------------------------|---|--|
| 122 | S.O. 1320, dated 1st April, 1969. | Ministry of Home Affairs. | Sales-Tax payable on the goods supplied by the traders of union territory of Delhi to the State of Nagaland. |
| | एस० ओ० 1321, दिनांक 1 अप्रैल 1969। | गृह मंत्रालय | संघराज्य क्षेत्र दिल्ली से नागालैंड को भेजे गये सामान पर विक्रीकर की प्रदायगी। |
| 123 | S.O. 1322, dated 3rd April, 1969. | Ministry of Information and Broadcasting. | Approval of the films on specified therein. |
| 124 | एस० ओ० 1323, दिनांक 3 अप्रैल, 1969। | सूचना तथा प्रसारण मंत्रालय | अनुसूची में दी गई फिल्मों की स्वीकृति देना। |

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 15th April 1969

S.O. 1510.—In exercise of the powers conferred by sub-section (1) and sub-section (4) of section 4 of the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulation, 1965 (9 of 1965), and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 3703, dated the 7th October, 1967, the Central Government, after consultation with the High Court of Kerala, hereby appoints, with effect from the 1st day of June, 1969, the District Judge of Kozhikode, Kerala State, as the district judge under the said Regulation, without prejudice to his functions as the District Judge of Kozhikode.

[No. F.9/2/69-UTL.]

K. R. PRABHU, Jt. Secy.

CORRIGENDUM

New Delhi, the 15th April 1969

S.O. 1511.—In this Ministry's Notification No. 25/1/67-Ests(A), dated the 3rd March, 1969 published as S.O. 951 in the Gazette of India Part II Section 3 Sub-section (ii) of the 15th March, 1969, the word 'Civil' may be inserted between the words "Central" and "Services" appearing in para 1(1) under the caption "Short title and commencement".

[No. 25/1/67-Ests(A).]

P. S. VENKATESWARAN, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 10th April 1969

S.O. 1512.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F. 33(3)-R.II/44 dated the 16th April, 1948, namely :—

In paragraph 1 of the said Resolution, after entry (xv), the following entry shall be added and shall be deemed to have been added with effect from the 1st day of October, 1968, namely:—

"(xvi) Workcharged establishment of the Mana Group of Transit Centres, Mana."

[No. F. 38(1)-EV/69.]

N. S. CHANDRAMOWLISARAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 14th April 1969

S.O. 1513.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Central Bank of India, Ltd., Bombay in respect of the property, viz. 'Taj' building held by it in Bombay, till the 15th September, 1969.

[No. 15(6)-BC/68.]

New Delhi, the 17th April 1969

S.O. 1514.—Statement of the Affairs of the Reserve Bank of India, as on the 11th April, 1969

BANKING DEPARTMENT

| LIABILITIES | | ASSETS | |
|--|---------------|---|----------------|
| | Rs. | | Rs. |
| Capital Paid up | 5,00,00,000 | Notes | 11,82,34,000 |
| | | Rupee Coin | 4,56,000 |
| Reserve Fund | 15,00,00,000 | Small Coin | 8,31,000 |
| | | Bills Purchased and Discounted :— | |
| National Agricultural Credit (Long Term Operations) Fund | 143,00,00,000 | (a) Internal | .. |
| | | (b) External | .. |
| | | (c) Government Treasury Bills | 188,72,17,000 |
| National Agricultural Credit (Stabilisation) Fund | 33,00,00,000 | Balances Held Abroad* | 121,05,67,000 |
| | | Investments** | 141,59,74,000 |
| National Industrial Credit (Long Term Operations) Fund | 55,00,00,000 | Loans and Advances to :— | |
| | | (i) Central Government | .. |
| | | (ii) State Governments@ | 182,90,23,000 |
| Deposits:— | | Loans and Advances to :— | |
| (a) Government | | (i) Scheduled Commercial Banks† | 67,387,97,000 |
| | | (ii) State Co-operative Banks†† | 2,84,77,73,000 |
| (i) Central Government | 53,47,24,000 | (iii) Others | 2,32,44,000 |

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—

| | | | |
|--|-------------------------|--|-------------------------|
| (i) State Governments | 5 14,01,000 | (a) Loans and Advances to :— | |
| (b) Banks:— | | (i) State Governments | 31,33,67,000 |
| (i) Scheduled Commercial Banks | 152,01,61,000 | (ii) State Co-operative Banks | 13,10 23,000 |
| (ii) Scheduled State Co-operative Banks | 8,27,53,700 | (iii) Central Land Mortgage Banks | .. |
| (iii) Non-Scheduled State Co-operative Banks | 53,32,000 | (b) Investment in Central Land Mortgage Bank Debentures | 8,58,95,000 |
| (iv) Other Banks | 21,00,000 | Loans and Advances from National Agricultural Credit (Stabilisation) Fund :— | |
| (c) Others | 299,25,38,700 | Loans and Advances to State Co-operative Banks | 4,67,44,000 |
| Bills Payable | 24,40,51,000 | Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :— | |
| Other Liabilities | 102,23,63,000 | (a) Loans and Advances to the Development Bank | 6,26,71,000 |
| | | (b) Investment in bonds/debentures issued by the Development Bank | .. |
| | | Other Assets | 42,76,13,000 |
| | Rupees . 1031,84,29,000 | | Rupees . 1031,84,29,000 |

*Includes Cash, Fixed Deposits and Short-Term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 34,03,61,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 16th day of April, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 11th day of April, 1969

ISSUE DEPARTMENT

| LIABILITIES | | ASSETS | | | |
|--|----------------|----------------|---|---------------|----------------|
| | Rs. | Rs. | | Rs. | Rs. |
| Notes held in the Banking Department | 11,82,34,000 | | Gold Coin and Bullion :— | | |
| Notes in circulation | 3645,30,75,000 | | (a) Held in India | 182,53,11,000 | .. |
| | | | (b) Held outside India | .. | .. |
| TOTAL NOTED ISSUED | | 3657,13,09,000 | Foreign Securities | 216,42,00,000 | .. |
| | | | TOTAL | | 398,95,11,000 |
| | | | Rupee Coin | | 71,03,25,000 |
| | | | Government of India Rupee Securities | | 3187,14,73,000 |
| | | | Internal Bills of Exchange and other Commercial paper | | .. |
| TOTAL LIABILITIES | | 3657,13,09,000 | TOTAL ASSETS | | 3657,13,09,000 |

Dated the 16th day of April, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

K. YESURATNAM, Under Secy.

(Department of Revenue and Insurance)

New Delhi, the 16th April 1969

S.O. 1515.—In exercise of the powers conferred by sub-clause (ii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises—

- (1) Shri A. N. Krishna Murthy,
- (2) Shri B. S. Venkata Narasiah

who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force on the 21st April, 1969.

[No. 26 (F. No. 16/82/69-ITCC)]

INCOME-TAX

New Delhi, the 16th April 1969

S.O. 1516.—In pursuance of sub-clause (f) of clause (iii) of sub-section 3 of Section 194-A of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the M.P. Audyogic Vikas Nigam Ltd., A-Block, Old Secretariat, Bhopal, Madhya Pradesh for the purposes of the said sub-clause for a period of three years.

[No. 27 (F. No. 12/125/68-ITCC)]

R. D. SAXENA, Dy. Secy.

MINISTRY OF HEALTH, FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Health)

New Delhi, the 10th April 1969

S.O. 1517.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th June, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945, for the existing Schedule O, the following shall be substituted, namely:—

“SCHEDULE O

(See Rule 126)

Standards for Disinfectant Fluids.

1. *Provisions applicable to Black Fluids, White Fluids, Modified Black Fluids and Modified White Fluids.*

1. *Classification.*—Classes of disinfectants covered by this part of the Schedule are:

- (A) Black Fluids.
- (B) White Fluids.
- (C) Modified Black Fluids.
- (D) Modified White Fluids.

(A) *Black Fluids.*—Black Fluids are dark brown liquids consisting of homogeneous solutions of coaltar acids or similar acids derived from petroleum or any mixture of these with or without hydrocarbons and a suitable emulsifier.

(B) *White Fluids*.—White Fluids are white or brownish white liquids consisting of finely dispersed homogeneous emulsions of coaltar acids or similar acids derived from petroleum or any mixture of these, with or without hydrocarbons.

(C) *Modified Black Fluids*.—Modified Black Fluids are Black Fluids containing in addition any other active ingredients. The exact nature and quantity of such ingredient shall be stated on the label.

(D) *Modified White Fluids*.—Modified White Fluids are White Fluids containing in addition any other active ingredients. The exact nature and quantity of such ingredient shall be stated on the label.

2. *Gradation*.—Each of the above classes of disinfectant fluids shall be graded on the basis of the minimum requirements in respect of:

Rideal Walker (RW) Coefficient as follows:

(See Table I below)

| TABLE I | | | | | | | | | | Rideal Walker (RW) Coefficient (Minimum) |
|---------|---|---|---|---|---|---|---|---|---|--|
| Grade | | | | | | | | | | |
| 1 | . | . | . | . | . | . | . | . | . | 18 |
| 2 | . | . | . | . | . | . | . | . | . | 10 |
| 3 | . | . | . | . | . | . | . | . | . | 5 |

3. *Type*.—Each of the above grades of Disinfectant Fluids shall be stable in the range of temperatures indicated against each type:

| Type | | | | | | | | | | Stable in the range of |
|-------------|---|---|---|---|---|---|---|---|---|------------------------|
| (I) Normal | . | . | . | . | . | . | . | . | . | 15°C to 45°C |
| (II) Winter | . | . | . | . | . | . | . | . | . | 5°C to 30°C |

4. *Requirements*.—All classes and grades of Disinfectant Fluids shall comply with the following requirements:—

(1) When tested by the method described hereinafter, the Disinfectant Fluid shall be miscible with artificial hard water (for Black Fluids & Modified Black Fluids) or with artificial sea water (for White Fluids and Modified White Fluids) in all proportion from 1 per cent to 5 per cent by volume, to give emulsions which shall not break or show more than traces of separation of either top or bottom oil when kept for 6 hours at 15°C to 45°C for Type (I) (Normal) and 5°C to 30°C for Type (II) (Winter).

(2) Germicidal Value

(a) *Rideal Walker Coefficient*.—

Black Fluids, White Fluids, Modified Black Fluids and Modified White Fluids shall be tested for the determination of Rideal Walker Coefficient (R.W. Coefficient) by the method described hereinafter. The Rideal Walker Coefficient of these Fluids of Grade 1 or Grade 2 or Grade 3, shall be as follows:—

| | | | | | | | | | | Rideal Walker Coefficient |
|-------------|---|---|---|---|---|---|---|---|---|------------------------------|
| For Grade 1 | . | . | . | . | . | . | . | . | . | not less than 18 |
| For Grade 2 | . | . | . | . | . | . | . | . | . | not less than 10 |
| For Grade 3 | . | . | . | . | . | . | . | . | . | not less than 5 |

(b) *Staphylococcal Coefficient* —

Modified Black Fluids and Modified White Fluids shall, in addition to complying with the requirement in respect of the Rideal Walker Coefficient as specified in the preceding paragraph (a), be tested for the Staphylococcal coefficient by the method described hereinafter. Modified Black Fluids and Modified White Fluids shall have a staphylococcal coefficient of not less than 2.5.

(3) *Storage—*

Disinfectant Fluids of all classes shall be stored in mild steel, tinned mild steel or other suitable containers. These shall not be stored in containers made of galvanised iron.

(4) *Labelling—*

Subject to the other provisions in these Rules, the label on the container shall state (i) the name of the product, (ii) the name and full address of the manufacturer, (iii) the name and quantity of any other active ingredient added in the case of modified Black Fluids and Modified White Fluids, (iv) grade, type, R.W. coefficient of the product and in addition, for modified fluids the staphylococcal coefficient (v) date of manufacture, (vi) date up to which the product can be used, (vii) quantity present in the container and (viii) indications and mode of use.

5. *Method of Testing—*

(1) *Preparation of Sample—*

The sample of disinfectant fluid to be tested is mixed thoroughly taking care that no air is beaten into the fluid immediately before withdrawing any portion for testing. The test portion is withdrawn from the middle of the sample.

(2) *Method of testing stability after dilution—*

- (a) *Preparation of Artificial hard water:* 40 ml. of IN Hydrochloric Acid (Analytical Reagent quality) is neutralised with a slight excess of Calcium Carbonate and filtered. The filtrate is diluted to 1000 ml. with distilled water; 10 parts of this solution is further diluted to 100 parts with distilled water.
- (b) *Preparation of Artificial Sea Water:* 27 G of sodium chloride (Analytical Reagent quality) and 5 G of Magnesium Sulphate (Analytical Reagent quality) are dissolved in Distilled water and diluted to 1000 ml. The solution is filtered before use.
- (c) *Procedure:* Take 1 ml. and 5 ml. portions of the sample, in duplicates, in 100 ml. stoppered measuring cylinders (IS-878-1955) by means of pipettes. Dilute the samples with Artificial hard water or Artificial Sea water (as the case may be) upto 100 ml. mark. Mix thoroughly by inverting the cylinders 5 times.

Keep the cylinders containing the diluted fluids for 6 hours at the extremes of the temperature range specified for the particular type. The sample complies with the test if the solution shows not more than a trace of separation at its top and bottom.

(3) *Method of Determination of Rideal Walker Coefficient (R.W.C.)*

Apparatus Inoculating loop . A loop, 4 mm. in internal diameter is made at end of a 28 SWG (0.376 mm) wire of platinum or platinum iridium alloy, 38 mm long from the loop to the holder. The loop is bent at such an angle to the length of wire as well facilitate its removal vertically from the surface of the liquid while keeping the plane of the loop horizontal.

Incubator Set and maintained at $37^{\circ}\text{C} \pm 1^{\circ}\text{C}$.

Pipettes Standard graduated pipettes of capacity 10 ml., 5 ml. and 1 ml.

Dropping Pipette Made to deliver 0.2 ml.

Medication tubes 5 sterile plugged rimless test tubes 125 mm x 20 mm. (5" x $\frac{3}{8}$ ") made of hard neutral glass.

Broth tubes About 2 dozen of the same description as medication tubes.

Standard measuring cylinders, stoppered & graduated . 500 ml. graduated in 10 ml.—one
100 ml. graduated in 1 ml.—five
All apparatus must be scrupulously clean and sterile immediately before use.

Reagents (a) *Broth*—Prepare a mixture of the following ingredients:
Lab Lemco—20 Gm.
Peptone (Oxo)—20 Gm.
Sod chloride—10 Gm.
(Reagent quality)
Distilled water—1000 ml.

Dissolve the solids in distilled water. Add sufficient Sodium Hydroxide to neutralise the solution; then boil to bring down Phosphates and filter while hot. The broth thus prepared is then adjusted to pH 7.6 with normal Hydrochloric Acid. The broth is then sterilised by autoclaving at 15 lbs. pressure for 20 minutes. It is then filtered and placed in 5 ml. quantities in sterilised broth tubes. The tubes of media thus prepared are sterilized by autoclaving at 15 lb. pressure for 10 minutes. The final pH of the medium should lie between 7.3 to 7.5. Further re-sterilisation in bulk or in tubes is not permissible.

(b) *Test organisms:—*

The test organism used is *Salmonella Typhi* (NCTC 786) of which suitable culture shall be obtained from the Director, Central Drugs Laboratory, Calcutta. This culture is maintained by weekly subculture on a Neutrient Agar Slope (made by dissolving 2.5 per cent Agar Agar Difco in the broth prepared as above), incubating the subculture for 24 hours at 37°C and then storing in Refrigerator at a temperature below 22°C. For the purpose of the test a little of the growth from the most recent sub-culture in Nutrient Agar Slope is placed in a tube of R.W. broth and incubated for 24 hours at 38°C. A standard loopful is then transferred to a second tube and incubated as before. This is done for atleast three times before a test is carried out. Sub-culturing in broth is limited to 14 days.

(c) *Standard Phenol*—

A 5 per cent w/v solution in sterile distilled water of chemically pure Phenol having a crystallising point of not less than 40.5°C is prepared. Test dilutions are prepared from this stock solution containing i.g. of Phenol in each of 95, 100, 105, 110, 115 ml. of the solution made. These dilutions shall be used within a week of preparation.

(d) *Test dilutions of Disinfectant (Sample)*—

The sample is prepared as described under "Preparations of samples". A test portion of 5 ml. is withdrawn and discharged into about 480 ml. of sterile distilled water in a 500 ml. glass stoppered sterile measuring cylinder and at the pipette is rinsed three times in the clear liquid. The whole is then made up to 500 ml. with sterile distilled water, the cylinder is stoppered and the contents thoroughly mixed with a cork screw motion of the cylinder several times. Suitable test dilutions in sterile distilled water are then immediately prepared from this stock solution.

Procedure—

5 ml. of 4 chosen dilutions of the disinfectant are placed in 4 medication tubes which are then placed in a rack provided with a water-bath maintained at a constant temperature between 17°C and 18°C, with the strongest dilution on the left. The fifth medication tube containing 5 ml. of the particular phenol dilution is placed on the right. When the content of the medication tubes and broth culture of the test organism have reached the temperature of the water-bath, starting at zero time, 0.2 ml. of the culture is added to the left hand medication tube and the tube is shaken gently. After 30 seconds the next tube is inoculated similarly and the process is repeated with each successive tube at intervals of 50 seconds until the phenol control has been inoculated. 30 seconds after this last addition (that is 2½ minutes from zero) a loopful of the well shaken contents of the tube at the extreme left is withdrawn and placed in a tube containing 5 ml. of the broth medium. 30 seconds after this, similar operation is performed on the second medication tube. The procedure is repeated at the interval of 30 seconds with each of the 5 medication tubes working from left to right until 4 sets of cultures have been made i.e. at 2½, 3, 7½ and 10 minutes respectively after exposure. In each withdrawal care should be taken to ensure that the loop is removed vertically from the surface of the liquid with its plans horizontally and without touching the side of the test tubes. The loop shall be sterilized by flaming between each operation, care being taken that the loop is cooled before being again used. The inoculated broth tubes are incubated for not less than 48 hours and not more than 72 hours at 37°C, when the tubes showing growth of the test organisms will be recognised by turbidity of the broth.

Calculation of Coefficient—

The R.W. coefficient is obtained by dividing that dilution of the disinfectant which shows life of test organism in $2\frac{1}{2}$ and 5 minutes but no life thereafter by that dilution of the Phenol which gives the same response. A typical set of example is given below:—

| Sample disinfectants | Dilutions | Time of exposure | | | | R.W. Coeff. 1200 |
|----------------------|------------------|------------------|---|-------------|----|------------------------|
| | | 2½ | 5 | 7½ | 10 | |
| | I:1000 | — | — | — | — | |
| | I:1100 | + | — | — | — | |
| | I:1200 | + | + | 1 | — | |
| | | | | | | 100 |
| | I:1300 | — | + | + | — | 12 |
| Phenol control | I:100 | + | + | — | — | — |
| | | + growth | | — no growth | | |

(4) *Method of determination of Staphylococcus Coefficient (SA)*

General.—This method is a modification of the R.W. test described above, the same apparatus and the procedure being used but with a different test organism and culture medium.

Apparatus . . . Same as for R.W. test

Reagents (a) Broth Prepare a mixture of the following:

| | |
|-------------------|----------|
| Lab lemco | 10 g |
| Peptone (oxo) | 5 g |
| Sodium chloride | 5 g |
| (Reagent quality) | |
| Distilled Water | 1000 ml. |

Dissolve the solids in distilled water and add sufficient IN Sodium hydroxide solution to bring the pH to 7. Sterilize the broth in bulk by autoclaving for 20 minutes at 15 lbs. pressure. Filter the sterilized broth and place quantities of 10 ml. in sterilized test tubes. Sterilize the broth tube by autoclaving for 10 minutes at 15 lbs. pressure. Re-sterilization in bulk or in tubes is not permissible.

(b) *Test organism*—The test organism is *Staphylococcus Aureus* (NCTC 3750) of which a suitable culture is to be obtained from the Director, Central Drugs Laboratory, Calcutta. The details for maintaining and preparing the test organism are the same as for R.W. test.

(c) *Standard Phenol*—This is same as for R.W. test with the exception that the test dilutions are made in the proportions of 1 g. of pure phenol in 85, 90, 95, 100, 105 ml. respectively of solutions.

(d) *Test dilutions of Disinfectant Sample*—This is same as for R.W. test.

Procedure.—This is same as for R.W. test.

Calculation of Coefficient :

The Staphylococul Coefficient (SA) is obtained by dividing that dilution of disinfectant which shows life of the test organism in 2½ and 5 minutes but no life thereafter by that dilution of phenol (1 : 85, 1 : 90, 1 : 95, 1 : 100 or 1 : 105) which gives the same response.

II. Provisions applicable to other Disinfectant Fluids :

Disinfectant Fluids which are made with chemicals other than those specified under Part I of this Schedule shall conform to the formulae or list of ingredients shown on the label.

Labelling.—Subject to the provisions of labelling of the Rules, the label of the container shall state (i) the name of the product, (ii) the name and full address of the manufacturer, (iii) the full formula or list of ingredient of the preparation, (iv) date of manufacture, (v) date upto which the product can be used, (vi) quantity present in the container, and (vii) indications and mode of use.

[No. F. 1-4/68-D.]

New Delhi, the 15th April 1969

S.O. 1518.—The following draft of certain rules further to amend the Indian Aircraft (Public Health) Rules, 1954, which the Central Government proposes to make, in exercise of the powers conferred by section 8-A of the Aircraft Act, 1934 (22 of 1934), is hereby published as required by section 14 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after 1st August, 1969.

Any objections or suggestions which may be received from any person with respect of the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Indian Aircraft (Public Health) Amendment Rules, 1969.

2. In the Indian Aircraft (Public Health) Rules, 1954, —

(i) in rule 1, the word "Indian" shall be omitted;

(ii) in rule 48, for the words "the District Magistrate for the place of death", the words "the District Magistrate or the Deputy Commissioner or the Chief Presidency Magistrate or the Coroner within whose jurisdiction the death took place" shall be substituted.

[No. F.34-1/64-IH.]

L. K. MURTHY, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND CO. AFFAIRS**(Department of Industrial Development)****ORDER***New Delhi, the 16th April 1969*

S.O. 1519/P/DC/ID/3/68.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act 1951, read with Rules 2, 4 and 5 of the Development Councils (Procedural) Rules 1952, the Central Government hereby appoints Shri A. G. Kulkarni, Member, Rajya Sabha and Shri Maddi Sudarasanam, Member, Lok Sabha, to be members of the Development Council reconstituted for a period of two years by the order of the Government of India in the erstwhile Ministry of Industrial Development and Company Affairs (Department of Industrial Development), No. S.O. P/DC/ID/63, dated the 15th October, 1968, for the scheduled industries engaged in the manufacture or production of Paper, Pulp and Allied Industries and directs that the following additions shall be made in the said order, namely :

In the said order, after entry 27 the following entries shall be made, namely :

28. Shri A. G. Kulkarni, Member, Rajya Sabha, 80, Shahjahan Road, New Delhi-11.
29. Shri Maddi Sudarasanam, Member, Lok Sabha 3, Western Court, New Delhi-1.

[No. F. LI(III)-17(77)/68-Dev. Council.]

V. PRAKASH, Under Secy.

(Department of Industrial Development)
INDIAN STANDARDS INSTITUTION

New Delhi, the 9th April, 1969

S.O. 1530.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

THE SCHEDULE

| Sl. No. | Design of the Standard Mark | Product/Class of Product | No. and Title of the Relevant Indian Standard | Verbal description of the Design of the Standard Mark | Date of Effect |
|---------|-----------------------------|---------------------------|--|---|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | IS : 2418 | Tubular fluorescent lamps | IS : 2418-1964 Specification for tubular fluorescent lamps for general lighting service. | The 'monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. | 1 April, 1969. |

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|----------|--------------------------------|--|--|-----------------|
| 2 | IS: 3901 | Ziram water dispersible powder | IS : 3901-1966 Specification for ziram water dispersible powder. | The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. | 16 March, 1969. |

[No. CMD/13:9].

S.O. 1521.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE]

| Sl. No. | Product/Class of Product | No. and Title of the Relevant Indian Standard | Unit | Marking Fee per Unit | Date of Effect |
|---------|---------------------------------|---|--|----------------------|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | Tubular Lamps. | Fluorescent | IS : 2418-1964 Specification for tubular fluorescent lamps for general lighting service. | One tube 1 Paisa | 1 April, 1969 |
| 2 | Ziram water dispersible powder. | | IS : 3901-1966 Specification for ziram water dispersible powder. | One tonne Rs. 3.00 | 16 March, 1969. |

[No. CMD/13: 10.]

Dr. A K. Gupta
Deputy Director Director.

MINISTRY OF FOREIGN TRADE AND SUPPLY

New Delhi, the 9th April 1969

S. O. 1522.—In pursuance of sub-rule (1) of rule 7 of the Export of Vinyl Film and Sheeting (Inspection) Rules, 1969, the Central Government hereby appoints the persons mentioned in column (2) of the Table given below as the panel of experts for the purpose of hearing appeals under the said rule against the decision of the Export Inspection Agency, mentioned in the corresponding entry in column (1) thereof.

Provided that where a member of any of the said panels is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal.

THE TABLE

| Authority against whose decision/appeal. | Persons constituting the panel of experts to which appeal lies |
|---|--|
| (1) | (2) |
| 1. Export Inspection Agency, Bombay. | <ol style="list-style-type: none"> Chairman (<i>Ex-officio</i>) of the Plastics and Linoleums Export Promotion Council, 68, Tardeo Road, Bombay-34. —Chairman. Shri R. M. Patel, M/s. Bhor Industries Ltd., Sir Vithaldas Chambers, 16, Apollo Street, Fort, Bombay-1. Shri A. R. Chouhan, M/s. National Leather Cloth Mfg. Co., Ramkrupa Building, 2nd floor, 25, Parkh Street, Bombay-4. Shri R. M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Pvt. Ltd., 10, Chowpatty Sea Face, Bombay-7. Joint Director (<i>Ex-officio</i>), Export Inspection Council, (Bombay Regional office), Mani Mahal, 11/21, Mathew Road, Bombay-4—Convener. |
| 2. Export Inspection Agency, Calcutta. | <ol style="list-style-type: none"> Vice-Chairman (<i>Ex-officio</i>) of the Plastics and Linoleums Export Promotion Council 14/1-B, Ezra Street, (2nd floor), Calcutta-1—Chairman. Deputy Director (Export Promotion) (<i>Ex-officio</i>) of the Office of the Joint Chief Controller of Imports and Exports, 4 & 6, Esplanade East, Calcutta-1. Shri H. M. Nandkeolyar, M/s. India Linoleums, 14, Radha Bazar Lane, Calcutta-1. Deputy Director (Chemical) (<i>Ex-officio</i>), Export Inspection Council, 14/1-B Ezra Street (7th floor), Calcutta-1 Convener. |
| 3. Export Inspection Agency, Madras & Cochin. | <ol style="list-style-type: none"> Prof. P. B. Janardhan, University of Madras, A. C. College Campus, Guindy, Madras-25—Chairman. Dr. M. S. Patel, Regional Manager, State Trading Corporation of India Ltd., 123, Mount Road, Madras-6. Deputy Director (Export Promotion) (<i>Ex-officio</i>), Office of the Joint Chief Controller of Imports & Exports, Madras, P.O. Box No. 1842, Madras-1. Manager (<i>Ex-officio</i>), Export Inspection Agency, Madras, Sire Mansion, 123, Mount Road, Madras-6—Convener. |
| 4. Export Inspection Agency, Delhi. | <ol style="list-style-type: none"> Director (<i>Ex-officio</i>), Small Industries Service Institute, Okhla, New Delhi—20—Chairman. Shri P. P. Mukherjee, M/s. Bata Shoe Co. Pvt. Ltd., Branch Factory Faridabad New Industrial Town, Haryana. Dr. M.S. Muthana, Deputy Director, Indian Institute of Technology, Kanpur. Deputy Director (<i>Ex-officio</i>), Export Inspection Agency, Delhi, 6B-9, Northern Extension Area, Rajender Nagar, New Delhi-5—Convener. |

2. The quorum of the panel shall be three.

[No. F. 60(44) Exp. Insp/68]

A. C. Banerjee Jt, Secy.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 15th April 1969

S.O. 1523.—M/s. The State Trading Corporation of India Ltd., New Delhi. were granted licence No. G/ST/2378397 dated 14th August, 1967 from Rupee Payment Area and Letter of Authority in favour of M/s. Dental and Medical Supply Co., Madras for import of Dental Equipment valued Rs. 2,00,000/-. They have requested for the issue of duplicate Customs Purposes Copy of the licence on the ground that the original Customs Copy of the licence has been lost by them. It has been further reported by the licensee that the licence has been lost after having been registered with Madras Port and utilised partly.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Customs Purposes Copy of the licence No. G/ST/2378397 dated 14th August, 1967 has been lost and directs that a duplicate Customs Copy of the said licence should be issued to them. The original Customs Purposes Copy is cancelled.

The duplicate Customs Copy of the licence is being issued separately.

[No. STC/GDR-13/67-68/RMC/77.]

T. M. B. NEDUNGADI,

Jt. Chief Controller of Imports and Exports.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 15th April 1969

S.O. 1524.—Whereas the Bombay Society for the Prevention of Cruelty to Animals has, in pursuance of clause (g) sub-section (1) of section 5 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), nominated Lt. Col. Sundar Singh, L.V.P. (Hons), B.V.Sc. (Hons) as a member of the Animal Welfare Board with effect from the 5th November, 1968, vice Shri Duleep Matthal who has resigned his membership;

Now therefore, in pursuance of sub-section (1) of section (4) read with section 5, of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 921 dated the 20th March, 1962, namely :—

In the said notification in item 12, for the entry in the first column, the following entry shall be substituted, namely :—

“Lt. Col. Sundar Singh L.V.P. (Hons.) B.V.Sc. (Hons.), Secretary and Treasurer, the Bombay Society for the Prevention of Cruelty to Animals, Bombay.”

[No. F. 18-6/68-LDIII.]

SANTOKH SINGH, Under Secy.

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 21st April 1969

S.O. 1525.—In exercise of the powers conferred by sub-section (2) of section 1 of the Jawaharlal Nehru University Act, 1966 (53 of 1966), the Central Government hereby appoints the 22nd April, 1969 as the date on which the said Act shall come into force.

[No. F. 16-1/69-U. 2.]

G. K. CHANDIRAMANI, Addl. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 8th April, 1969.

S.O. 1526—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay, hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Marathi version to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-section (4) of the Section 12 of the Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

| Sl. No. | Title of the Film | Length 35 mm | Name of the Applicant | Name of the Producer | Whether a Scientific Film or a Film intended for educational purposes or a film dealing with news and current events or a documentary film. |
|---------|------------------------------|-----------------|--|-------------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | Maharashtra News No. 202. | 302.00 M | Director of Publicity, Government of Maharashtra, Film Centre, 61, Tardeo Road, Bombay-34. | | Film dealing with news and current events (For release in Maharashtra Circuit only). |
| 2 | Navasacha Nikal | 149.34 M | | Do. | Film intended for educational purposes (For release in Maharashtra Circuit only). |
| 3 | Dayeche Prateek | 304.00 M | | Do. | Do. |
| 4 | Kalyan Kshetratil Kalyan. | 299.62 M | | Do. | Documentary film (For release in Maharashtra Circuit only). |

[No. F 24/1/69-FP App. 1343]

BANU RAM AGGARWAL, Under Secy.

सूचना तथा प्रसारण मंत्रालय

आदेश

नई दिल्ली, 8 अप्रैल, 1969

एस० ओ० 1527—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अभिनियम के उपबन्ध के अन्तर्गत जारी किये गये निवेशों के अनुसार केन्द्रीय सरकार फिल्म सलाहकार बोर्ड बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा इस के साथ लगी द्वितीय अनुसूची के कालम 2

में दी गई फिल्मों को उनके मराठी भाषा के रूपान्तरों सहित जिनका विवरण प्रत्येक के सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16 ।
- (2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9 ।

द्वितीय अनुसूची

| क्रम संख्या | फिल्म का नाम | खम्बाई 35 मि० सी० | आवेदक का नाम | निर्माता का नाम | क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैन्ट्री फिल्म है ? |
|---------------------------------|--------------|---|--|-----------------|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. महाराष्ट्र समाचार संस्था 202 | 302.00 मीटर | प्रचार निदेशक, महाराष्ट्र सरकार, फिल्म सेंटर, 68-तारखेव रोड, बम्बई-34 | समाचार और 'सामयिक घटनाओं की फिल्म (केवल महाराष्ट्र सर्किट में रिलीज के लिये) | | |
| 2. नवसाचा निकाल | 149 34 मीटर | —तथैव— | शिक्षा सम्बन्धी फिल्म (केवल महाराष्ट्र सर्किट में रिलीज करने के लिये) | | |
| 3. घयेचे प्रतीक | 304.00 मीटर | —तथैव— | शिक्षा सम्बन्धी फिल्म (केवल महाराष्ट्र सर्किट में रिलीज के लिये) | | |
| 4. कल्याणा क्षेत्रातिल कल्याणा | 299.62 मीटर | —तथैव— | डाकुमैन्ट्री फिल्म (केवल महाराष्ट्र सर्किट में रिलीज करने के लिये) | | |

[संख्या फ० 24/1/69-एफ० पी परिशिष्ट 1343.]

बानू राम अग्रवाल, अव्वर सचिव ।

DELHI DEVELOPMENT AUTHORITY**NOTICE***New Delhi, the 17th April 1969*

S.O. 1528.—Notice under Section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that:—

1. (a) a draft of the zonal development plan for each of the following zones, namely:—
 1. A-20 (New Darya Ganj area)
 2. F-19 (Badarpur)
 has been prepared.
- (b) a copy thereof will be available for inspection at the following offices between the hours of 11-00 and 3-00 P.M. on all working days except Saturdays, till the date mentioned in paragraph 3 hereinafter:—
 - (1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, Inderprastha Estate, 'D' Block, New Delhi.
 - (2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi.
 - (3) Office of the Municipal Corporation of Delhi, Town Hall, Delhi-6; and
 - (4) Office of the Executive Officer, Delhi Cantt., Board, Delhi Cantt-10.
2. Objections and suggestions are hereby invited with respect to these draft zonal development plans.
3. Objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Inderprastha Estate, New Delhi by the 25th May, 1969.
4. Any person making an objection or suggestion should also give his name and address.

[No. F.4(20)/69-MP.]

B. C. SARKAR, Addl. Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 14th April 1969

S.O. 1529.—In exercise of the powers conferred by sections 42 and 74 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules 1933, namely:—

1. These rules may be called the Indian Post Office (Third Amendment) Rules, 1969.
2. For rule 215 of the Indian Post Office Rules 1933, the following rule shall be substituted, namely:—
 - 215(1). "Gratuity shall be payable to the masters of ships, not being mail ships, in respect of postal articles and mail bags or other containers received by them for conveyance on behalf of the Post Office at the following rates, namely:—
 - (a) Letter mails and empty bags shall be payable at the gross general cargo rates as existed on the 1st March, 1968, (hereinafter in this rule referred to as the said date) subject to a reduction of 25 per cent. In the case of shipments to United States of

America the payment shall be made at the non-contract rate as existed on the said date, subject to a reduction of 25 per cent. On the lines where only the nett general cargo rate is quoted, payment shall be made on such nett rates as existed on the said date, subject to a reduction of 15 per cent.

(b) Parcel mail shall be paid for at two-thirds the rates applicable to the letter mail.

(2) 18 bags of letter mail or empties or 12 bags of parcel mail shall be equivalent to one shipping ton of 40 cubic feet.

(3) In calculating gratuities payable under sub-rule (1) fractions of a paise not exceeding one-half shall be ignored and fractions of a paise exceeding one-half shall be counted as one paise."

[No. 20/1/67-CF. Coll.II.]

K. GOPALAKRISHNAN,
Dy. Director General (Mails)

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 14 अप्रैल 1969

एस० नो० 1530.--भारतीय डाकघर अधिनियम, 1898 (1898 का 6) की धाराओं 42 और 74 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय डाकघर नियम, 1933 में अतिरिक्त संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनानी है, अर्थात् --

1. ये नियम भारतीय डाकघर (दुनियाँ संशोधन) नियम, 1969 बने जा सकेंगे।

2. भारतीय डाकघर नियम, 1933 के नियम 215 के लिए निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात्--

"215(1). ऐसे पोतों के मास्टरों को, जो डाक-पोत न हों, डाकघर की ओर से प्रवहण के लिए उनके द्वारा प्राप्त डाक वस्तुओं और डाक-थैलों या अन्य ब्राघानों की वाबत निम्नलिखित दरों से उपदान किए जाएंगे, अर्थात्--

(क) संदाय पत्रडाक और खाली थैलो पर, 25 प्र० श० की कमी किए जाने के अग्र्यधीन रहते हुए, उस सकल सामान्य कार्गो दरों से किया जा सकेगा, जो 1 मार्च 1968 को (जिसे इसमें इसके पश्चात् इस नियम में उक्त तारीख कहा गया है) विद्यमान थी। संयुक्त राज्य अमेरीका को खाना किए जाने की वशा में संदाय, 25 प्र० श० की कमी किए जाने के अग्र्यधीन रहते हुए, गैर संविदा कर से किया जाएगा। जिन लाइनों पर शुद्ध सामान्य कार्गो दर उद्धृत की जाती है, उन पर संदाय, 15 प्र० श० की कमी किए जाने के अग्र्यधीन रहते हुए, ऐसी शुद्ध दरों से किया जाएगा जो उक्त तारीख को विद्यमान थी।

(ख) पार्सल डाक के लिए संदाय पत्रडाक को लागू दरों की दो-तिहाई दरों से किया जाएगा।

(2) पत्रडाक के या खाली 18 थैले या पार्सलडाक के 12 थैले 40 घन फुट के एक शिपिंग टन के बराबर होंगे।

- (3) उपनियम (1) के अधीन संदेय उपदानों की गणना करते में एक पैसे के ऐसे भाग की, जो आधे से अधिक न हो, गिनती नहीं की जाएगी और एक पैसे के ऐसे भाग को, जो आधे से अधिक हो, एक पैसे के रूप में गिना जाएगा।

[सं० 20-1/67-सी० एफ० काब 2.]

के० गोपालकृष्णन,

उप महानिदेशक (डाक)।

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 10th April 1969

S.O. 1531.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Railway Servants (Discipline and Appeal) Rules, 1968, namely:—

1. (1) These rules may be called the Railway Servants (Discipline and Appeal) Amendment Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Railway Servants (Discipline and Appeal) Rules, 1968,—

(a) in clause (v) of sub-rule (8) of rule 9, for the words "Presenting Officer", the following words shall be substituted, namely:—

"Presenting Officer", if any";

(b) in sub-rule (1) of rule 25,—

(i) the words "from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed", shall be omitted;

(ii) in the second proviso, for clause (ii), the following clause shall be substituted, namely:—

"(ii) by a reviewing authority unless it is higher than the appellate authority, where an appeal has been preferred or where no appeal has been preferred and the time limit laid down for review by the appellate authority has expired."

(c) after rule 31, the following rule shall be added, namely:—

"32. Power of General Managers to frame subsidiary rules.—The General Manager may, in respect of non-gazetted railway servants under his administrative control, make subsidiary rules not inconsistent with these rules or any rules made by the Railway Board, for the purpose of giving effect to the provisions of these rules, in so far as it is applicable to such non-gazetted railway servants."

(d) in Note (2) in Schedule I and in Schedule II, for the words "Appointing Authority" wherever they occur the following words shall be substituted, namely:—

"Appointing Authority or an authority of equivalent rank".

[No. E(D&A)66RG6-9.]

C. S. PARAMESWARAN, Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th April 1969

S.O. 1532.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), read with rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963 the Central Government hereby constitutes an Advisory Committee for the State of Madhya Pradesh consisting of the following persons as members, namely :—

1. Labour Minister, State of Madhya Pradesh, Madhya Pradesh.
2. Labour Commissioner, Government of Madhya Pradesh, Indore.
3. Shri K. N. Pradhan, Member of the Legislative Assembly, Madhya Pradesh. Member of the Legislative Assembly
4. General Manager, National Mineral Development Corporation, Bailadila Iron Ore Project, P. O. Kirandul, District Bastar, } Representatives of the Iron Ore Mines Owners.
5. General Manager, Hindustan Steel Limited Bhilai. } Representatives of the Iron Ore Mines Workers.
6. Shri S. K. Sanyal, Bornala, Nagpur (Maharashtra).
7. Shri Ganpat Rao, Samyukta Khadan Mazdoor Sangh, P. O. Bailadila Mines, District Bastar (Madhya Pradesh).
8. Shrimati Shyam Kumari Devi, Member, Rajya Sabha. Woman representative.
9. Welfare Administrator, Iron Ore Mines Labour Welfare Fund, Madhya Pradesh, Bhilai. Secretary

2. In pursuance of rule 18 of the Iron Ore Mines Labour Welfare Cess Rules, 1963 the Central Government hereby fixes Indore to be the head quarters of the said Advisory Committee.

[No. F. 10/24/68 M-III]

ORDER

New Delhi, the 16th April 1969.

S.O. 1533.—Whereas the employers in relation to the Commissioners for the Port of Calcutta and their workmen represented by the Calcutta Port Shramik Union and the National Union of Waterfront Workers have jointly applied to the Central Government for reference of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under Section 7A of the said Act.

SCHEDULE

In the matter of filling up the existing and future vacancies against posts of Sanitary Inspector under the Calcutta Port Commissioners' Medical Department, which one of the following two alternative principles should be adopted.

- (a) The Sanitary Sub-Inspectors not possessing recognised certificates but passing the departmental examination held by the Port Commissioners' Medical Department in accordance with the accepted decision in this regard and the Sanitary Sub-Inspectors with requisite qualifications recognised by the appropriate Government be considered for

promotion on the basis of their length of service in the cadre of Sanitary Sub-Inspectors;

or

- (b) The Sanitary Sub-Inspectors possessing requisite qualifications recognised by the appropriate Government and the Sanitary Sub-Inspectors, who pass the departmental examination held by the Commissioners' Medical Department in accordance with the accepted decision in this regard be considered for promotion in the order of the dates of obtaining the qualifications; The date of qualification in the case of those appointed with qualifications being considered effective from the date of appointment in the cadre of Sanitary Sub-Inspectors and in the case of those who pass departmental examination being considered effective from the date on which they are declared to have passed the examination by the department.

[No. 28/10/69-LWI-III.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 11th April 1969

S.O. 1534.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri V. P. Pratap, Assistant Labour Commissioner (Central), Jabalpur and Arbitrator, in the industrial dispute between the employers in relation to the management of Birsinghpur Colliery of Johilla Coalfields Private Limited, Post Office Birsinghpur Pali, District Shahdol (Madhya Pradesh) and their workmen, which was received by the Central Government on the 1st April, 1969.

**BEFORE SHRI V. P. PRATAP, ASSISTANT LABOUR COMMISSIONER
(CENTRAL), JABALPUR AND ARBITRATOR**

[Arbitration Award under Section 10A of the Industrial Disputes Act, 1947 in the matter of an industrial dispute between the management of Birsinghpur Colliery of Johilla Coalfields Pvt. Ltd., P.O. Birsinghpur Pali, Distt. Shahdol (M.P.) and their workmen represented through Birsinghpur Colliery Mazdoor Sabha, P.O. Birsinghpur Pali, District: Shahdol (M.P.)]

PRESENT:

Shri V. P. Pratap, Assistant Labour Commissioner (Central), Jabalpur and Arbitrator.

APPEARANCES:

For Management:—(1) Shri K. C. Jain, General Manager.

(2) Shri Harbans Singh.

For Workmen:—(1) Shri P. K. Thakur, Vice President, Birsinghpur Colliery Mazdoor Sabha.

AWARD

1. As per Arbitration Agreement signed by the management of Birsinghpur Colliery of Johilla Coalfields (Pvt.) Ltd. P.O. Birsinghpur Pali, District: Shahdol (M.P.) and their workmen represented by Birsinghpur Colliery Mazdoor Sabha, published in Part II, Section 3, sub-section (ii) of the Gazette of India under Order No. 1/52/68-L.R.II dated 30th November 1968, the following issue was referred to me for arbitration under section 10A of the Industrial Disputes Act, 1947:—

"Whether the demand made by the workmen of Birsinghpur Colliery of Johilla Coalfields Private Ltd.; Birsinghpur Pali, Distt: Shahdol (M.P.) for wages for the period from 4th September 1968 to 7th September 1968 (both dates inclusive) to those workmen of the third shift, who have been denied the same by the management is justified? If so, to what relief are they entitled?"

2. Arbitration proceedings were held by me on different dates after the exchange of written statements and rejoinders. On 12th February 1969, both the

parties had extended in writing the period of submission of Award to the Government by 31st March 1969 through mutual consent. Finally on 21st March 1969, both the parties appeared before me and informed that they had entered into a mutual settlement as given below and requested that the Award be given accordingly:—

“It is agreed that the management shall pay 50 per cent wages for the period from 4th September 1968 to 7th September 1968 to all those workmen of the third shift who have not been paid wages for these dates and were either present or on authorised leave on September 3 and 8 of 1968. This payment shall be made by 29th March 1969”.

I find that the terms of the settlement are fair and reasonable. I therefore award accordingly.

(Sd.) V. P. PRATAP,
Assistant Labour Commissioner (Central),
Jabalpur & Arbitrator.

Jabalpur, dated the 22nd March, 1969.

[No. 5/52/68-LRII.]

S.O. 1535.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the P. D. Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen, which was received by the Central Government on the 2nd April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 54 of 1968

PARTIES:

Employers in relation to the P. D. Kajora Colliery.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Absent.

On behalf of Workmen—Shri Benarashi Singh Azad, General Secretary,
Khan Shramik Congress.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/60/68-LRII, dated November 1, 1968, the Government of India, in the Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment) referred the following industrial dispute between the employers in relation to the P. D. Kajora Colliery and their workmen, to this tribunal for adjudication:

“Whether the management of P. D. Kajora Colliery, Post Office Kajoram, District Burdwan was justified in terminating the services of S/Shri Jahm Harijan and Dila Mia, Pick Miners with effect from the 27th April, 1968? If not, to what relief are these two workmen entitled?”

2. In this case, the management filed a written statement at a very late stage, on March 22, 1969. Apart from this also, their conduct has not been most unsatisfactory. By an order, dated February 12, 1969, I fixed February 22, 1969 as the date for settling a date of hearing. On that date (that is to say on February 22, 1969), one Sri Abhoy Charan Patra appeared on behalf of the management and Sri Benarshi Singh appeared on behalf of the workmen. In their presence I passed the following order:

“To March 25, 1969, for peremptory date of hearing. All documents must be filed before the date fixed for hearing with list of documents so filed exchanged between the parties. Parties must come ready with

their witnesses on the date fixed for hearing. No adjournment will be granted on that date."

Thereafter, on March 5, 1969, there was an application received on behalf of the workmen for discovery of certain documents. The hearing of that application was fixed on March 14, 1969 and parties were informed. On that date, the representative of the workmen appeared but nobody appeared on behalf of the management. The application for discovery was disposed in the absence of the management and the order passed on the application was communicated to the management. Thereafter, on March 19, 1969, the tribunal received the following letter, by post, from the management asking for adjournment of the hearing:

"With reference to above we beg to inform you that your aforesaid letter was received here only yesterday, i.e. 12th March, 1969 and that my dealing clerk is on leave till 16th March, 1969, as such the connected papers in relation to above are not available. In this circumstances we would request you to defer the case to some other date later and give us a prior notice so that staff concerned can be ready on that date."

This application was rejected and the party was informed. On the date fixed for hearing, the management did not appear and also did not apply for adjournment. In these circumstances the tribunal proceeded *ex-parte*.

3. I need observe that the conduct exhibited by the management shows scant courtesy to this tribunal. Applications for adjournment, sent by post, should not be encouraged and I do not encourage them. If a party thinks that because he had made an application for adjournment by post, it must have been allowed and he need not even enquire about the fate of the application, he runs the peril. Dates of hearing, before this Tribunal, are fixed well in advance with notices to the parties and to upset such dates means upsetting of the programme, planned in advance, to a considerable extent. A substitute date in the near future may not often be had.

4. With the aforesaid observations I turn now to the merits of the case. In the written statement filed on behalf of the workmen, represented by Kham Shramik Congress, it was stated that the two workmen who had been stopped from working, were permanent pick-miners with long record of service. In paragraph 5 of the written statement it was stated:

"5. *** it is the most important point to mention here that the workmen concerned were suspended with chargesheets, pending enquiry of the chargesheets. But it is regretted that the Manager, of the Prosonno Dutta Kajora Colliery has terminated i.e. dismissed simpliciter the workmen just on the said date and time of the above chargesheets without holding any enquiry into the chargesheets. The Manager of the colliery also did not wait for the reply of the chargesheet from the workmen concerned nor given them any opportunity to defend themselves from the allegations which were charges falsely made by the management. ***"

In the written statement filed on behalf of the management, I find the following paragraph:

"7. With reference to the allegations made in paragraph 5 of the said written statement, this employer did not wait for the reply of the said chargesheet from the dismissed workmen and there arose no occasion for giving any opportunity to the said workmen to defend themselves as this employer terminated the services of the said employees being termination simpliciter there was no necessity to proceed on with the said chargesheet or to make an enquiry in respect of the said chargesheet."

In the written statement, it was also denied that the two workmen were permanent workmen.

5. The dismissed workmen themselves deposed before the tribunal. Dila Mia admitted in his examination in-chief that he had nothing to show that he was ever appointed as a permanent workman in the P. D. Kajora colliery. The other workman Jalim Harijan said:

"I say that I was permanent because I used to go on leave on that basis."

He, however, admitted in answer to a question put by the tribunal that he was not fully aware of the leave provisions of the company.

6. Mr. Banarshi Singh Azad, appearing for Khan Shramik Congress, argued that the workmen were getting bonus under the Coal Mines Bonus Scheme and were also eligible to contribute to the Provident fund. Some unsigned and unstamped bonus card were made exhibits before this tribunal. The workmen producing them could not even properly identify the bonus cards belonging to them. I therefore do not place much reliance on them.

7. It was next contended by Mr. Azad that the workmen were eligible to contribute to Provident Fund and that by itself would indicate that they were permanent workmen. Excepting the oral evidence of the workmen themselves, there is no proof of this fact. Provident fund records were never called for and in the absence of better evidence, this tribunal does not think it safe to rely upon the verbal testimony of the witnesses on this point. Considering the evidence on the point, I do not find that the case that the two workmen were permanent workmen has been established.

8. The question that remains for me to decide is if the workmen could be discharged forthwith without chargesheet or by giving up the chargesheet in the manner done. It appears from the annexure E(2) to the written statement filed on behalf of the workmen that the letter of termination was couched in the following language:

"Management has decided to terminate your services. It is a termination simpliciter. You will be paid one week's wages. You vacate Quarters."

In paragraph 7 of the written statement filed on behalf of the management, this is not disputed. Now, even if the workmen were temporary workmen, could their services be so summarily terminated? Termination of service may be for misconduct or may be according to service rules and terms of service conduct. Here, admittedly, the termination was not for misconduct. On what terms the workmen were employed does not appear. The workmen do not themselves know it. If the termination of employment was according to the terms of employment or according to the rules prevailing in the company, then no fault should be found with such orders of termination. Unfortunately for the workmen, they did not even apply for discovery of the relevant documents pertaining to their appointment. The employers kept discreetly away and I cannot compel them to come with the result that there is no proof before me concerning the claim of the workmen.

9. I, therefore, hold that it has not been proved that the management of the P. D. Kajora colliery was not justified in terminating the services of Sri Jalim Harijan and Dila Mia, Pick Miners, effect from 27th April, 1968. That being the position, they are not entitled to any relief.

This is my award.

Dated, the 27th March, 1969.

Sd./- B. N. BANERJEE,
Presiding Officer.
[No. 6/60/68-LRIL.]

New Delhi, the 14th April 1969

S.O. 1536.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri K. Sharan, Arbitrator, in the industrial dispute between the employers in relation to the management of Chapui Khas Colliery of Messrs Bharat Collieries Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 1st April, 1969.

BEFORE SHRI K. SHARAN, REGIONAL LABOUR COMMISSIONER (C) ASANSOL
AND ARBITRATOR

PRESENT:

Shri K. Sharan, Regional Labour Commissioner (C), Asansol.

PARTIES:

Employers in relation to Chapui Khas Colliery of M/s. Bharat Collieries Ltd., P. O. Kalipahari, Distt. Burdwan.

Versus

Their workmen represented through the Colliery Mazdoor Congress (H.M.S.), Bengal Hotel, Asansol.

APPEARANCES:

For employers: (1) Shri S. S. Mukherjee, Advocate, Dhanbad.

(2) Shri R. M. L. Khanna, Manager, Chapui Khas Colliery.

For workmen.—(1) Shri N. Das, Advocate, Asansol.

(2) Shri S. N. Jha, General Secretary, Colliery Mazdoor Congress, Bengal Hotel, Asansol.

(3) Shri Joyanta Podder, Joint Secretary, Colliery Mazdoor Congress, Bengal Hotel, Asansol.

(4) Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha, G. T. Road, Asansol.

INDUSTRY: Coal Mine.

STATE: West Bengal.

Asansol, the 25th March, 1969

No. E. 1/2(1)/68

AWARD

The Central Government, having received on the 4th June, 1968, a written agreement between the employers in relation to Chapui Khas Colliery of M/s. Bharat Collieries Ltd., P. O. Kalipahari, Distt. Burdwan (hereinafter referred to as the management) and their workmen represented by the Colliery Mazdoor Congress (H.M.S.), Bengal Hotel, Asansol (hereinafter referred to as the congress) in pursuance of subsection (1) of Section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947) referring the industrial dispute between them, the specific matters in dispute being as detailed below, to my arbitration, and the Central Government being of the opinion that the industrial dispute referred to above exists between the management and their workmen, ordered publication of the said arbitration agreement in the Gazette of India, Part II, Section 3, Sub-section (ii) under its order No. 6/31/68-LR-II dated 20th June, 1968:

Specific Matters in Dispute:

"Keeping in view the recommendations of the Central Wage Board for Coal Mining Industry (as accepted by the Government of India, Ministry of Labour, Employment and Rehabilitation) and also the justifiability or otherwise of workers' demand what should be the basis of payment to the underground leaders of the Chapui Khas Colliery of M/s. Bharat Collieries Ltd. on the date/dates when they are detained on duty underground without provisions of any work by the management due to breakdown of machineries or for other reasons?"

2. The management submitted its written statement and forwarded the same to me under its Manager's letter No. LAB/RLC/2604 dated 18th April, 1968 received by me on 19th April, 1968. The Colliery Mazdoor Congress (H.M.S.), Asansol submitted its written statement dated 23rd July, 1968 which was received by me on 24th July, 1968. In the meantime, the Central Government having been satisfied that the persons making the said reference represented the majority of the each party issued notification to that effect, in pursuance of the provisions of sub-section (3A) of Section 10A of the Act read with Rule 8A of the Industrial Disputes (C) Rules, 1957 for the information of the employers and the workmen who were not parties to the said arbitration agreement but were concerned in the said dispute *vide* S.O. No. 2329 dated 2nd July, 1968 published in the Gazette of India, Part II, Section 3, sub-section (ii). As such in order to give opportunity also to the employers and the workmen who were not parties to the said arbitration agreement but were concerned with the dispute to present their case before me in pursuance of sub-section (3A) of Section 10A of the said Act, M/s. Sahu Jain

Ltd., Managing Agents of the management of Chapui Khas Colliery, Colliery Mazdoor Sabha (A.I.T.U.C.), Asansol (hereinafter referred to as the Sabha) and also such of the workmen employed at Chapui Khas Colliery as were not either members of the Congress nor of the Sabha were also given opportunity to submit written statements latest by 28th August, 1968 under notice No. E. 1/2(1)/68 dated 17th August, 1968 sent to the management, vice-President of the Sabha and General Secretary of the Congress, the Manager of Chapui Khas Colliery under registered post with acknowledgment due. The Manager of the colliery was directed to display a copy of the notice referred to above on the notice board at the office of the colliery and at the main entrance of the mine. The Manager continued to have displayed a copy of the notice on 23rd August, 1968 as directed. In response to the notice referred to above, the Sabha submitted its written statement on 1st September, 1968 received by me on 3rd September, 1968. Neither written statement was received on behalf of M/s. Sahu Jain Ltd., nor on behalf of such of the workmen employed at Chapui Khas Colliery as were neither members of the said Congress nor of the Sabha. However, the management intimated to me that M/s. Sahu Jain Ltd. ceased to be the Managing Agents with effect from 1st September, 1968 under its Commercial Manager's letter No. BC/GEN/7007 dated 19th October, 1968. On 24th October, 1968 the management and the Congress entered into a written agreement to the effect that I could give my arbitration award in the instant industrial dispute latest by 31st March, 1969, which was forwarded to me by the management under its letter No. Lab./RLC/350 dated 24th October, 1968. The matter came up for final hearing on 30th November, 1968. On that date S/Shri S. S. Mukherjee, Advocate, Dhanbad and R. M. L. Khanna, Manager, Chapui Khas Colliery were present on behalf of the management, Shri N. Das, Advocate, Asansol, S/Shri S. N. Jha and Joyanta Podder, General Secretary and Joint Secretary respectively of the Congress and Shri D. N. Pandey, Branch President of the Congress were present on behalf of the said Congress and Shri Sunil Sen, Organising Secretary, Colliery Mazdoor Sabha was present on behalf of the said Sabha. Non was present on behalf of M/s. Sahu Jain Ltd. nor any body was present on behalf of such of the workmen employed at Chapui Khas Colliery as were neither members of the Congress nor of the Sabha. Neither any oral nor any documentary evidence was produced on behalf of the parties. I heard the arguments of both the parties.

3. The case of the management in brief is that the underground loaders of Chapui Khas Colliery are piece-rated workmen and the Central Wage Board for the Coal Mining Industry (hereinafter referred to as the Board) has placed them in group IV; that in para 33 of its recommendations, the Board has made it clear "that the fall back wages will be payable on *pro-rata* basis for the actual number of days a piece-rated workman works in the week" and that "the fall back wages will be exclusive of dearness allowance which will be payable on attendance"; that in para 31 of its recommendations, the Board has observed that "taking an overall view and in the interest of unanimity we are recommending 100 percent of the group wage as the fall back wage for group IV"; that it has been made further clear by the Board that "regarding the present system of weekly review the consensus in the Board is that it may continue"; that as per the recommendations of the Board, fall back wages for a group IV workman was fixed at the same rate as his basic wage, namely, Rs. 6/-; that the management had classified the loaders in group IV and after implementing the recommendations of the Board, the management had been paying them total fall back wages on an average per head per day at the rate of Rs. 7.08 (Rs. 6.00 as basic, Rs. 0.78 as dearness allowance plus Rs. 0.30 as underground allowance); that for the purposes of calculation of fall back wages, the management had been treating the days when the loaders were detained on duty underground without provision of any work by the management due to break down of machineries or for other reasons as their days of attendance and any workman who had failed to earn a total sum of Rs. 42.48 calculated for 6 days at the rate of Rs. 7.08 per day had been compensated; that there is absolutely no justification for the underground loaders to demand any amount more than what is being paid to them by the management in implementing the Board's recommendations.

4. The case of the Congress in brief is that the instant industrial dispute arose out of the refusal of the management to pay any lay-off compensation to the underground loaders employed at Chapui Khas colliery for days they were detained underground and the management failed to provide them with any work due to break down of machineries or for other reasons; that in the circumstances, the loaders who were otherwise qualified were entitled to get lay-off compensation as per the provisions of Section 25C of the I.D. Act, 1947 on the scales prescribed in Section 2 (kkk) of the Act; that according to the union, the management

failed to pay lay-off compensation to the underground loaders in question on the plea that their earnings for few days in the week on which they actually worked were more than the fall back wages for the week payable as per Board's recommendations; that this contention of the management indicated that the relevant provisions regarding payment of fall back wages in accordance with Board's recommendations impliedly superseded the relevant provisions regarding payment of lay-off compensation contained in the I.D. Act; that according to the union payment of lay-off compensation was mandatory and the Board's recommendations could in no way either infringe or supersede the right of the workmen to receive lay-off compensation; that if the contention of the management is accepted it would be free to keep the underground loaders idle for 2 days in the week, if each of them earned more than Rs. 36 as basic wages in remaining 4 days in the week without paying anything to them for those 2 days; that the provisions regarding fall back wages was recommended by the Board with a view to ensuring the earnings of the piece-rated workmen did not suffer any fall due to no fault of their own and the management had to make up the loss of wages to the extent of fall back wages; that in paragraph 33 of Chapter VIII of the recommendations of the Board it had been precisely laid down that fall back wages shall be payable on pro-rate basis for the actual number of days a piece-rated workman worked in the week and as such the management had to ensure that a piece-rated workman who worked for 6 days or less number of days in the week was adequately compensated by paying prescribed fall back wages on pro-rata basis, if his earnings was less than fall back wages only for the days he actually worked in that week; that failure of the management to pay lay-off compensation to the loaders for the days on which they were kept idle for no fault of their own simply because they happened to earn not less than the amount of fall back wages for the week amounted to violation of the relevant provisions of the I.D. Act; that the management was liable to pay lay-off compensation on the scales provided in the I.D. Act to the underground loaders whenever they were detained underground without provision of any work by the management due to break-down of machineries or for other reasons.

5. The submissions made by the Sabha are in brief that problems faced by the underground loaders who were compelled to wait 8 hours underground because of the fault on the part of the management to provide them with any work, "day after lay" were not covered by the recommendations of the Board contained in para 31 of its recommendations; that such detention "leads to demoralisation, tension, waste and erosion of physical capacity and kill the very initiative to work underground"; that the relevant provisions regarding lay-off had been made to take care of the situation known before hand; that in the instant case a worker waited patiently hours after hours deep inside the mine and then came back without doing any work in a bitter mood; that when such detention of workmen by the management was for the full shift and the management failed to provide any work to them they should be adequately compensated, otherwise the management would adopt a callous attitude towards the workmen; that if the management was required to pay adequate compensation, it would make it more efficient; that to keep a worker for 8 hours underground day after day without giving him any work was a kind of punishment and was unjustified and wrong; that in the circumstances, the Sabha demanded that the workmen when detained underground for the whole shift and were not provided with any work by the management, they should be paid full wages for that day.

6. During hearing Shri S. S. Mukherjee, learned counsel on behalf of the management tried to impress upon me that the possibility of failure on the part of the management to provide work to the underground loaders on account of break down of machineries or for other reasons could be ruled out and that in view of this consideration, the All India Industrial Tribunal (Colliery Disputes) in its Award (hereinafter referred to as Coal Award) made provisions for the payment of minimum guaranteed wages for the piece-rated workers in the event of their failure to earn normal wages for no fault of their own. The Labour Appellate Tribunal also confirmed the recommendations of the said Tribunal with only one modification that the earnings of the piece-rated workers should be reviewed at the end of every 6 working days instead of 13 working days. As regards the loaders who are in group IV, the Board has rejected the demand of the workmen against the weekly review and recommended that the present system of weekly review in their case should continue, conceded to the grievances of the workmen against the provision of payment of 75 per cent of the category wage as minimum guaranteed wage or in other words fall back wages and recommended 100 per cent of the group wage as fall back wages for the Group IV.

He added further that in para 33 of its recommendations, the Board also recommended that the fall back wages would be payable on *pro-rata* basis for the actual number of days a piece-rated workman worked in the week. According to him, if the underground loaders remained underground without doing any work on account of the failure on the part of the management to provide any work on account of breakdown of machineries or for other reasons on any day or even on more than one day in a week, they were not entitled to anything more than the amount of fall back wages for the days they actually worked and also for the day or days on which they remained underground without doing any work for reasons stated above during the relevant week. According to him, the question of payment of lay-off compensation to those underground loaders did not arise because they were being adequately compensated by paying fall back wages. According to him, the underground loaders could not be deemed to have been laid off. He argued further that if the payment of lay-off compensation was allowed, it would lead to an anomalous position inasmuch as a underground loader who worked for 4 days, earned Rs. 36 for those 4 days and for no fault of his own earned only Rs. 4 for the remaining 2 days would get only Rs. 40 as his basic wages including fall back wages for that week, whereas another workman who worked for 4 days and earned Rs. 36 for those 4 days work and was laid off for the remaining 2 days in the week would get Rs. 42 i.e. Rs. 36 as basic wage for the 4 days plus Rs. 6 as lay-off compensation. This showed that a worker who worked for 6 days got only Rs. 40 whereas another worker received Rs. 42, that is, Rs. 2 more than that the former although the latter worked only for 4 days during the week as against 6 days work in case of former. Thus according to him underground loaders who are detained on duty underground throughout the shift without provision of any work by the management due to break down of machineries or for other reasons are neither entitled to lay-off compensation nor to any other compensation excepting fall back wages which are being given to them by the management.

7. Shri N. Das, learned counsel on behalf of the workmen had argued that fall back wages were payable to the underground loaders only in respect of those days on which they actually worked in view of the precise recommendations of the Board contained in para 33 Chapter VIII of its recommendations and accepted by the Central Government under its resolution No. WB-16(5)/68 dated 21st July, 1968, published in the Gazette of India. He added that in the instant case, the underground loaders could not also be deemed to have been laid off because they remained underground during the entire shift, although without any work for no fault of their own. According to him, it was never a pleasure for them to remain underground on the contrary, they suffered mental agony because they remained idle in uncongenial atmosphere underground. If the management had really no work to provide with, it could easily lay-off the workmen and pay only lay-off compensation as admissible under I.D. Act and rules made thereunder. Payment of fall back wages could not be a substitute for the mandatory provisions relating to the payment of lay-off compensation specially when the underground loaders were detained underground throughout the shift. He also invited my attention to the second proviso to Section 2(kkk) of the I.D. Act, wherein it was provided that even when a worker was laid off and was refused employment in the second half when he reported for duty as called upon to do so by the management, he was entitled to full wage for the second half. On that analogy he demanded full wages for the underground loaders for the day or days on which they were detained underground without providing any work.

8. I have very carefully taken into consideration and analysed the arguments put forward by the learned counsels of the parties. I am inclined to accept the contention of Shri N. Das, learned counsel of the workmen that fall back wages are payable only for those days on which the underground loaders work. In para 33 of Chapter VIII of the recommendations of the Board which have been accepted by the Central Government under its resolution bearing No. WB-16(5)/68 dated 21st July, 1968, published in the Gazette of India it has been made precisely clear that the "fall back wages will be payable on *pro-rata* basis for the actual number of days a piece-rated workman works in the week". When the underground loaders of Chapul Khas Colliery of the management are detained on duty underground without providing them with any work by the management, due to break down of machineries or for other reasons in any shift, they cannot be regarded to have worked in that shift. When no work is provided to them, the question of their working does not arise. The word "work" implies "application of force in action" to accomplish a given task. In case of detention of underground loaders on duty underground without any work the loaders in question

remain passive idling their time underground without exerting their energy¹ in performing any work which means negation of application of any force to accomplish any given task. Unlike the system of weekly review of earnings of the piece-rated workers for the purpose of payment of minimum guaranteed wages or in other words fall back wages as envisaged in the Coal Award read with L.A.T. decision, the system of review of the earnings of the piece-rated workers including the loaders with which we are concerned, for that purpose as recommended by the Board and as accepted by the Central Government has been modified inasmuch as the review is required to be done weekly but fall back wages are payable on pro-rata basis for the actual number of days the loaders worked in that week. It implies that if a loader actually works for 4 days in a week, his earnings are to be reviewed only for 4 days and adequate amount paid by way of fall back wages for those four days on which he actually worked, provided his earnings fall short of prescribed fall back wages for those 4 days. Thus, underground loaders who are detained on duty underground without any provision of work by the management during the entire shift due to break down of machineries or for other reasons for any number of days in a week are not entitled to be considered for payment of fall back wages for those days because they cannot be deemed to have worked on those days.

9. Next question for consideration is as to whether in the circumstances stated above, the underground loaders can be deemed to have been laid off. As defined in Section 2(kkk) of the I.D. Act, 1947, lay-off means failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the break down of machinery or for any other reasons to give employment to a workman whose name is borne on the muster rolls of his industrial establishment. In my opinion detention of underground loaders on duty underground for the entire shift without provision of any work to them by the management due to break down of machinery or for other reasons cannot be regarded to mean either failure or refusal or inability of the employer to give employment to them because they were detained on duty, though without any work. Section 25E(ii) provides that a workman will not be entitled to lay-off compensation if he does not present himself for work at the establishment at the appointed time during the normal working hours at least once a day. Section 35D provides for maintenance of separate muster roll of the workmen laid off. These provisions indicate that when a workman is laid off, he is not required to be present at the place of work throughout his shift. Perusal of the first proviso to Section 2(kkk) makes it quite clear that a workman who is laid off need not stay at the place of work and is required to report for duty again during the second half of the shift only when he is especially called upon to do so by the management. Moreover, whenever a workman is laid off, it is obligatory on the part of the management to notify the commencement and termination of the lay-off in accordance with rule 75A of the Industrial Disputes (Central) Rules, 1957 in form 0.1 and 0.2 respectively within 7 days of such commencement and termination of lay-off. In the instant case, admittedly the underground loaders remain underground and that too on duty throughout the shift, no separate muster roll is kept for them and neither any notice of commencement nor of termination of lay-off is issued by the management. Moreover, it is admitted by the management that the underground loaders who are detained on duty underground without providing any work to them during entire shift are not laid off. Thus it is quite clear that the underground loaders in question cannot be deemed to have been laid off and as such the question of payment of any lay-off compensation does not arise.

10. It could have been argued on behalf of the management that the break down or another reasons on account of which no work are provided to the underground loaders might be of such nature that the management could not have foreseen that it would not be possible for it to provide work to underground loaders throughout the shift or even in subsequent shift or shifts and that in spite of the best intention and efforts on behalf of the management to provide work to underground loaders during the shift it could not be done and the workmen concerned were forced to remain underground. This was, however, not done. This does not mean that the possibility of the circumstances stated above is ruled out. In the circumstances stated above, detention of loaders underground without any work for the whole shift may be generally on good faith and for bonafide reasons. This, however, cannot be generalised. All depends on the attitude of the management and fair play on its part. To show its bonafides, the management ought to have produced evidences to indicate that along with the underground loaders other time rated workers in the shift were also detained

In hope of resumption of normal work underground as efforts were being made to resume normal work. Thus has not been done. No evidence has been adduced nor it has been mentioned in the written statement submitted by the management that along with the underground loaders other time rated workers were also detained. Thus is considered vital in view of the fact that the time rated workers are not entitled to any fall back wages and in case they are detained underground till the end of the shift without providing any work to them they are entitled to full wages without doing any work as they are not responsible for their idleness. It is true that in order to attend the break down or to remove other causes responsible for non-provision of work, some of the time rated workmen are bound to be engaged on effective work, but at the same time, it cannot be denied that in absence of normal work underground, all time rated workers of all the categories in the shift are not expected to be provided work. Thus the fact of detention of non-effective time rated workmen underground without work along with the underground loaders would have indicated that the management had not discriminated and in good faith had detained the underground loaders as well as time rated workmen in hope of resumption of normal work underground. As already stated, the management has not produced any evidence on this point to show its bonafides. Besides, explanation to Section 2(kkk) of the I.D. Act, 1947 had made it quite clear that the management failed to provide employment within two hours of the workmen so presenting themselves at the commencement of shift, the workmen concerned shall be deemed to have been laid off for that day. So the management can reasonably assess the situation within two hours of the commencement of the shift and come to a conclusion as to whether it would be possible for it to provide work to the loaders concerned. In the event of its inability to do so, it will be reasonable for it to lay-off at least the loaders. As the management neither did so nor indicated to do so in future, it showed that it was trying to take advantage of the above average earnings of the underground loaders employed in Chapui Khas Colliery and to deprive them of the lay-off compensation by not laying them off and deliberately detaining them underground for the whole shift on one day or even more. I agree with the contention of the representative of the Sabha that the detention of the underground loaders underground for the entire shift without providing any work causes undue hardship to them. I also agree with him that this has a demoralising effect on them and also embitters the employer-employee relationship because the workers in such circumstances start feeling that they are being harassed and punished. Reverting to the contention of Shri Mukherjee regarding the alleged anomalous position arising out of acceptance of the worker's plea for any relief to the underground loaders concerned other than payment of fall back wages, I consider it to be fallacious inasmuch as it is applicable only in cases where the loaders earn basic wages not less than Rs. 36/- in the week comprising of 4 days of above average work and remaining 2 working days of inadequate work and at the same time they fulfil all essential conditions for entitlement to lay-off compensation in the event of being laid off. He has not taken into consideration the fact that the second loader of his illustration who is laid off may not be qualified to get any lay-off compensation. Moreover, even if he is entitled to same and gets Rs. 2/- more than the first loader who was paid fall back wages, he gets it in accordance with the provision of law, namely I.D. Act. Thus I do not agree that there is any anomaly as pointed out by him specially in view of the fact that exceptional cases do not disprove a rule. The second proviso to Section 2(kkk) of the I.D. Act, 1947 provides that if a workman is not given any employment even after he presents himself for work during the second half of the shift for the day, he shall not be deemed to have been laid off in the second half of the shift of the day and shall be entitled to full basic wages and dearness allowance for that part of the day. In the instant case the underground loaders are neither refused employment nor sent back, on the contrary they are detained on duty underground throughout the shift without providing any work due to break down of machineries or for other reasons and as such in my opinion full basic wages and other admissible allowances including dearness allowance and underground allowance will be reasonable compensation for their detention underground during the entire shift without providing any work due to break down of machinery or for other reasons.

11. In the result, I direct that whenever the underground loaders employed at Chapui Khas Colliery are detained on duty without any provision of work by the management due to break down of machinery or for other reasons, he shall be paid by the management at the rate of Rs. 8/- as basic wage plus other admissible allowance including dearness allowance and underground allowance with effect from the date from which this award becomes enforceable. I further direct

that all past cases should be reviewed by the management with retrospective effect from 15th August, 1967 to the date immediately prior to the date on which this award becomes enforceable in the light of any above direction and payment, if due, shall be made to the loaders concerned within two months from the date on which this award becomes enforceable. The award is made accordingly and submitted to the Central Government under Section 10A of the I.D. Act, 1947.

Sd/- K. SHARAN,

25/3/68.

Regional Labour Com. (C),
Asansol & Arbitrator.

[No. 6/31/68-LRIL]

New Delhi, the 15th April 1969

S.O. 1537.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Dhemomain Colliery, Post Office Sitarampur, District Burdwan and their workmen, which was received by the Central Government on the 9th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 60 OF 1968

PARTIES:

Shri B. N. Banerjee, Presiding Officer.

AND

Their workmen

PRESENT:

Shri R. L. Chhawachharia, Agent.

APPEARANCES:

On behalf of Employers—Shri M. L. Kedia, Chief Executive Officer.

AND

Shri R. L. Chhawachharia, Agent.

On behalf of Workmen—Shri Kalyan Shankar Roy, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/109/68 LRIL, dated December 18, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the Dhemomain Colliery and their workmen, to this tribunal, for adjudication, namely:

“Whether the management of Dhemomain Colliery, Post Office Sitarampur, District Burdwan was justified in retrenching Shri Banke Behari, Picking Belt Babu with effect from the 31st January, 1968? If not to what relief is the workman entitled?”

The workmen filed a written statement. Annexed to the written statement is a copy of the notice of retrenchment, dated January 1, 1968, served upon the workman, which reads.

“Due to impending closure of Dishergarh seam, your service will be rendered surplus to our requirements with effect from 31st January, 1968.

Your services accordingly will stand terminated with effect from 31st January, 1968. Retrenchment compensation payable to you under Section 25F-I.D. Act is hereby offered to you and you are asked to collect the same on or before 31st January, 1968."

3. The employer also filed a written statement. In paragraph 7 of the written statement, it is stated:

"*** The letter of retrenchment served on the workman will make it abundantly clear that retrenchment compensation was offered to the workman which however he did not collect. The management emphatically denies that it acted arbitrarily or whimsically or violated any provision of the Industrial Disputes Act."

4. At the hearing today, the management appeared through Messrs M. L. Kedia, Chief Executive Officer and R. L. Chhawachharia, Agent. None of them were ready to go on with the case and asked for adjournment. They had seen me few days ago, in my chamber, for seeking adjournment and I had made it perfectly clear to them that no adjournment would be granted on the date fixed for hearing. In spite of that, they were not ready with their documents nor with their witnesses and did not show any inclination to go on with the case.

5. Mr. Kalyan Shankar Roy appeared on behalf of the Colliery Mazdoor Sabha representing the workman. For reasons best known to him, he does not want to challenge the retrenchment any more but merely asked for the compensation which had been offered to the workman but not paid.

6. Thereupon I asked Mr. Kedia and Mr. Chhawachharia, appearing for the employers, as to whether they were willing to pay up what they had once agreed to pay. To my amazement they did not express their readiness. They wanted to consult the management over telephone in my office which I allowed them to do. Having done so, they stated before me that the proper authority of the management was not available on the phone and that they were unable to agree.

7. Be that as it may. I do not find any reason why retrenchment compensation, which had once been offered, should not be paid.

8. I, therefore, hold that the workman is entitled to retrenchment compensation calculated according to the provisions of clause (b) of Section 25F of the Industrial Disputes Act, that is to say, he shall be paid retrenchment compensation which shall be equivalent to 15 days' average pay for every completed year of continuous service or part thereof in excess of six months.

9. Since nobody gave any evidence before me as to the length of service of the workman or about the quantum of average pay, I give liberty to the union to send a bill of calculation for such compensation and also equal liberty to the management to send another calculation to the union about the quantum of compensation, if the management will not agree to the calculation made by the union. The amount of compensation must be paid by the management to the workman within 15 days from the date of receipt of calculation from the union.

This is my award.

Dated, March 31, 1969.

Sd./- B. N. BANERJEE,
Presiding Officer.

[No. 6/109/68-LRII.]

New Delhi, the 16th April 1969

S.O. 1538.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri K. Sharan, Arbitrator, in the industrial dispute between the employers in relation to the management of Searsole Colliery of Messrs Searsole Coal Company Limited, Post Office Raniganj, District Burdwan and the workmen, which was received by the Central Government on the 3rd April, 1969.

BEFORE SHRI K. SHARAN, REGIONAL LABOUR COMMISSIONER (C)
ASANSOL.

AND
ARBITRATOR

PRESENT:

Shri K. Sharan, Regional Labour Commissioner (C), Asansol.

PARTIES:

Employers in relation to Searsole Colliery of M/s. Searsole Coal Co. Ltd.,
P.O. Raniganj, Dist. Burdwan.

Vs.

Their workmen represented by the Colliery Mazdoor Sabha (A.I.T.U.C.),
G.T. Road, Asansol.

APPEARANCES:

For employers.—Shri P. N. Verma, Manager, Searsole Colliery, M/s. Searsole Coal Co., Ltd., P.O. Raniganj, Burdwan.

For workmen.—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha,
G.T. Road, Asansol.

INDUSTRY: Coal Mine.

STATE: West Bengal.

No. E. 1/2(7)/68

Asansol, the 28th March, 1969.

AWARD

The Central Government, having received on the 28th August, 1968 the arbitration agreement dated 28th August, 1968, between the employers in relation to Searsole Colliery of M/s., Searsole Coal Co., Ltd., P.O. Raniganj, Dist. Burdwan (hereinafter referred to as the management) and their workmen represented by the Colliery Mazdoor Sabha, G.T. Road, Asansol (hereinafter referred to as the Sabha) in pursuance of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947) referring the industrial dispute between them, the specific matters in dispute being as detailed below, to my arbitration, and the Central Government being of the opinion that the industrial dispute referred to above exists between the management and their workmen, ordered publication of the said arbitration agreement in the Gazette of India, part II, Section 3, sub-section (ii) under its order No. 6/91/68-LRII dated 18th September, 1968.

SPECIFIC MATTERS IN DISPUTE

- "1. Whether the management of Searsole Colliery, P.O. Raniganj, Dist. Burdwan of M/s. Searsole Coal Co. Ltd. are responsible for the temporary closure with effect from 10th June, 1968, to 20th June, 1968, of the colliery under Section 22 of the Mines Act, 1952 having regard to the fact that they did not comply earlier with the order of the Mines Inspector under Section 22(1) of the said Act to rectify the defects of the Winding Engine.
2. If so, whether the workmen employed in the said colliery who have been forced to go idle with effect from 10th June, 1968, and are still to continue to be so, are entitled to full wages for the above period taking into consideration the fact that the management have not notified any lay-off as required under Rule 75A of the I.D. (Central) Rules, 1957 and have refused to pay lay-off wages.
3. Whether the management of Searsole Colliery is responsible for the stoppage of work in the colliery Pit Nos. 1 and 2 and Quarry No. 3 with effect from 21st June, 1968 to 28th July, 1968, and for not starting the work in Quarry No. 2 till date.
4. If so, whether the workmen rendered idle in the above pits during the above period and are still continuing to be so are entitled to full wages. If not, to what relief they are entitled."

2. The Sabha on behalf of the workmen, submitted its written statement dated 27th September, 1968, received by me on 10th October, 1968, a copy of which was forwarded to the management for submission of rejoinder, if any, under my letter No. E. 1/2(7)/68 dated 19th October, 1968. The management submitted its rejoinder on 10th December, 1968, received by me on 17th December, 1968,

endorsing its copy to the Sabha. Several dates for hearing were fixed namely on 4th December, 1968, 18th December, 1968, 16th January, 1969, 13th February, 1969 and 1st March, 1969, but the hearing could not take place on those days on the request of either of the parties and the hearing on those dates were adjourned with the consent of the parties. On 18th December, 1968, the parties entered into an agreement authorising me to give award by 31st March, 1969. The matter came up for final hearing on 26th March, 1969, when Shri P. N. Verma, Manager, Searsole Colliery was present on behalf of the management and Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha was present on behalf of the workmen. On behalf of the workmen, three witnesses, namely Shri S. K. Mukherjee, Dy. Director of Mines Safety, Sitarampur, Shri Sunil Sen, Organising Secretary of the Sabha and Shri Ramasarey Teli, a worker of Searsole Colliery (WW. 1, WW. 2 and WW. 3 respectively) were produced and they were examined and cross-examined. The representative of the workmen produced an attested copy each of 36 letters and 3 original papers, which with the consent of the representative of the management were marked Exts. W. 1 to W. 39 including an endorsement with the signature of the Labour Welfare Officer of Searsole Colliery on Ext. 39 which was marked as Ext. 39A. On behalf of the management two witnesses, namely Shri P. N. Verma, Manager, Searsole Colliery (MW. 1) and Shri Pardeshi Rajbhar, a workman of Searsole Colliery (MW. 2) were produced and they were examined and cross-examined. On behalf of the management 5 registers and an office copy of the notice were produced, which with the consent of the representative of the workmen were marked Exts. M. 1 to M. 6. The representative of the management had confronted W.W. 3 with the counterfoil of a sick certificate which was marked X-1. The arguments of both the parties were heard by me on 22nd March, 1969.

3. The case of the workmen in brief is that Searsole Colliery was closed with effect from 10th June, 1968 due to restrictions imposed by the Directorate of Mines Safety under Section 22 of the Mines Act on account of persistent and deliberate violations of the Mines Act and Rules made thereunder by the management and its failure to rectify the violations pointed out to the management by Directorate of Mines Safety; that on 10th June, 1968 the management completely violated the provisions of the I.D. Act and took an illegal step by simply disappearing and leaving the workers in a state of utter confusion and helplessness and that too without paying the legal dues to the workmen which amounted to serious malpractices and unfair labour practices on the part of the management; that even after the withdrawal of the restrictions imposed under Section 22 of the Mines Act by the Directorate of Mines Safety, the management made no attempt to start the mine and kept the workmen of the colliery in a state of suspense; that the colliery office was completely closed and the management did not care to inform the workers anything about the same nor took any step to pay their dues; that the management resorted to an undeclared lock-out with mala fide intention; that due to non-payment, electricity was cut off and even minimum requirements of explosives etc. were also not there with the result that the workmen had to become extremely panicky and had no other alternative but to resort to continuous hunger strike at the colliery office and Manager's bungalow demanding re-opening of the mine and payment of legal dues; that the actions of the management were in contraventions of I.D. Act, Coal Mines Standing Orders and against all cannons of justice and were mala fide and unjustified and amounted to unfair labour practices; that even after re-opening of the mine it took a long time to re-employ all the workmen in various pits and quarries and the workmen had to go through terrific hardships and losses inasmuch as they had to incur heavy debt. In the circumstances, according to the Sabha the management must be called upon to pay full wages etc. to all the workmen who were made to remain idle from 10th June, 1968 to the relevant dates when they were allowed to join duties.

4. The case of the management in brief is that after break of war between India and Pakistan in September, 1965, the management had practically no orders for coal because the majority of the coal raised by the colliery was being despatched to East Pakistan; that subsequently thereafter, there was general depression in the industries with the result that the management had faced the problem of surplus labour that when the management wanted to reduce the number of labour strength to bring the colliery to economical footing by retrenching the surplus labour, the Sabha rejected and resisted the proposal of retrenchment and induced the workmen to adopt all sorts of coercive tactics and to indulge in acts subversive of discipline, with the result that the management could not effect retrenchment with consequential financial hardship; that

when the management succeeded in procuring fresh orders, the workmen did not co-operate with the management and they refused to do their work on frivolous pleas; that the workmen frequently stopped work without any notice and without any justification and they also refused to load the wagons, as a result of which the management had to incur heavy demurrage amounting to over a lakh of rupees; that on account of the above factors combined with the general trend of recession in the industry the management was put to heavy financial losses and difficulties; that in April, 1968 the management as a gesture of good will towards the workmen had agreed that the entire sale proceeds of the coal despatches would be received and sent to the colliery office of the management at Raniganj and the same would be utilised for day to day purchases of essential materials and stores etc., and the balance for disbursement of workers dues in the manner desired by them; that as a result of the agreement referred to above the management lost all financial control and was almost placed at the mercy of the workers; that in the beginning of June, 1968 the management received a notice under Section 22(1)(A) of the Mines Act, 1952 from the Directorate of Mines Safety directing not to raise any coal from pits No. 1 and 3 with the result that the management was forced to lay-off the workmen; that the above-mentioned order of the Directorate of Mines Safety was relaxed with effect from 20th June, 1968 at the instance of the Manager of the colliery; that thereafter when the workmen were asked to go back to their work, very few workmen carried out that order but most of them refused and in fact from 22nd June, 1968 they in a body stopped the work completely and even forced the quarry workmen and/or other willing workmen not to work at the instance of the Sabha; that the stoppage of work referred to above by the workmen was illegal, wrongful and mala fide and in breach of understanding given by the workmen; that the Sabha made false representation under its letter dated 22nd July, 1968 that the management was refusing to give employment to the workmen, to the Assistant Labour Commissioner (C), Asansol but prior to that, the Sabha had never raised any grievances nor made any representation to the management; that the above allegation of the Sabha was totally false; that only at the instance of the officers of Central Industrial Relations Machinery the illegal strike which was commenced by the workmen was ultimately withdrawn and normal work in the colliery resumed with effect from 29th July, 1968; that earlier the management had agreed before the officers of the Central Industrial Relations Machinery to pay certain sum towards the arrears of wages of the workmen provided the management was assured in presence of the C.I.R.M. officers that the workmen would not resort to illegal strike now and then and would also assure the management that normal production would be restored; that the allegation of the Sabha that the management had locked-out the workmen was incorrect; that the colliery office remained open and the workmen were asked to come back to work but they refused; that the workmen even did not do pumping and stopped other essential services from the last week of June, 1968; that this act of the workmen was of very serious nature inasmuch as it could have result in inundation of the mine and less of ventilation; that the defects in the winding engine could not be removed earlier because it was very old and required replacement of certain parts which were not readily available in the market; that the said engine was important and vital and could not be replaced as a whole nor it was possible to get import licence not to get necessary foreign exchange within the short period; that as the closure of the mine during the period 10th June, 1968 to 20th June, 1968 was for no fault of the management and was beyond its control, the workmen were not entitled to any wages for the period and the management could not be penalised simply on account of mere technical lapses on its part in not issuing relevant notices to the authorities prescribed under the I.D. Act, that for the work stoppage from 21st June, 1968 to 28th July, 1968 the management was not at all responsible, on the contrary majority of the workmen when called upon by the management to go back to work on and from 21st June, 1968 refused to carry out the orders and wilfully, illegally and with some ulterior motive did not go back to their work and as such the workmen were not entitled to any wages for that period.

5. Shri P. N. Verma, Manager, Searsole Colliery (MW.1) has stated that when he reached the mine office on 10th June, 1968, he found that four of the Overman had reported sick and hence the workmen were laid off for that day. He has also admitted that due to lack of supervisory staff no shift could be worked either on 10th June, 1968 or on 11th June, 1968 in Pit No. 1 but according to him the 2nd and 3rd shift in Pit No. 3 could work on 10th June, 1968 because underground supervisory staff for those shifts were arranged by the management. He also stated that on 11th June, 1968, he received order under Section

22(1A) of the Mines Act, 1952 prohibiting employment of workmen underground till the rectification of defects in the winding installation. Accordingly, he issued notice notifying that underground work would remain closed from 2nd shift of 11th June, 1968 onwards till the order of the Directorate of Mines Safety was complied with and after rectification of the defects the above-mentioned order of the Directorate of Mines Safety was vacated and underground work resumed from the first shift of 21st June, 1968. Thus it is seen that according to MW. 1 the underground work in Pit Nos. 1 and 3 Searsole Colliery remained suspended from the first shift of 10th June, 1968 till the end of the third shift of 20th June, 1968, excepting the underground work in the 2nd and 3rd shifts on 10th June, 1968 in Pit No. 3. Shri Pardeshi Rajbhar, Haulage Khalasi of Searsole Colliery (MW. 2) has stated that on the 10th and 11th June, 1968 the workmen had reported for work but they had to return back because there was none on behalf of the management and that during the period, 10th June, 1968 to 21st June, 1968 there was no work at the colliery. Thus it is seen that whereas the MW. 2 has generally corroborated the statement of MW. 1, he has not corroborated him that the 2nd and 3rd shift of Pit No. 3 worked on 10th June, 1968. The statement of MW. 1 is contradictory inasmuch as at one stage he says that on 11th June, 1968 only 2nd shift in Pit No. 3 worked but immediately thereafter he states that on receipt of the order of the Directorate of Mines Safety under Section 22(1A), he notified that the underground work would remain closed from the 2nd shift onwards of 11th June, 1968. In support of its contention, the management has produced an office copy of the notice dated 11th June, 1968 (Ext. M. 5) purported to have been issued by the Manager of Searsole Colliery on 11th June, 1968 at 4. P.M. notifying therein that "due to imposition of order under Section 22(1)(A) by the Mines department prohibiting use of winding engine at No. 1 and 3 pits till the defects pointed out are rectified, the underground work in both the pits will remain suspended till further order with effect from the 2nd shift to-day". No reliance can be placed on this notice, firstly because the date typed on the notice was 10th June, 1968 but subsequently the figure "10" was corrected in ink to read as "11" and no initial of the person who corrected it is there and secondly there is no indication in the office copy of the notice (Ext. M. 5) that it has to be displayed anywhere and neither the person who allegedly displayed it on the notice board as stated by the Manager of the colliery, MW. 1 has been produced to give evidence to the effect that he had actually displayed the notice nor any other oral or documentary evidence has been adduced to prove the display of the notice. The management has also produced the register purported to be the attendance register in respect of the time-rated mazdoors of pits Nos. 1 and 3 from week ending 23rd March, 1968 to 2nd November, 1968 (Ext. M. 6). Whatever may be the worth of this register, which I will discuss separately later on, the register indicates that there was absolutely no work in pits Nos. 1 and 3 and none of the time-rated mazdoors from the fact that period, 16th June, 1968 to 22nd June, 1968 which is evident from the fact that there is absolutely no entry in respect of the names of the workmen, their designation, relay and the fact of the presence or otherwise during that period. The register, however, indicates that a few categories of workmen like firemen, sweeper, a few fitter mazdoors, surface mazdoors, blacksmiths, a few picking mazdoors and picking kamins, a few pump attendants, a few night guards worked in pit No. 1 during the period 10th June, 1968 to 15th June, 1968, a few workmen of above categories worked only intermittently during the period 10th June, 1968 to 15th June, 1968 but majority of the time-rated weekly paid workmen did not work during the period 10th June, 1968 to 15th June, 1968 in Pit No. 1. Similarly, in Pit No. 3 winding engine attendant, fireman, banksman, fan attendant, boiler kamin, sweepers, pump attendant and pump mazdoors worked during the period 10th June, 1968 to 15th June, 1968 whereas the majority of the time-rated workmen did not work during the period 10th June, 1968 to 15th June, 1968 in Pit No. 3. The register, however, indicates that a few of the surface trammers and underground trammers, haulage attendant, dresser, drillers, timber mistry, timber mazdoors, looseman worked in 2nd shift on 11th June, 1968 but could not work thereafter. No reliance can be placed on this register because it has been maintained in a funny way inasmuch as the register has been maintained designation-wise and not shiftwise and the relevant entries in the register of the relevant period referred to above indicate that the same had been made by the same person in respect of all the shifts which is suspicious. The relevant entries were not authenticated by the person who had maintained it by putting his signature anywhere. Moreover, the register has not been maintained in the form prescribed for the purpose in the Mines Rules. Moreover important columns like age, sex, serial number of the "B" form register, time of entry and time of out, number of hours worked, time of commencement and termination of the

have not been mentioned. Moreover, MW. 1 has stated that "during the months of June, 1968 and July, 1968 although the office was opened and was never locked, none of the monthly paid workmen reported for work during the months of June, 1968 and July, 1968". The above-mentioned register is supposed to be maintained by the Attendance clerk who is a monthly paid workman and as such according to MW. 1 he did not work during the month of June and July, 1968. MW. 1 has not stated as to who in absence of attendance clerk prepared the above-mentioned register in respect of the relevant period. Whereas the MW. 1 has admitted that none of the monthly paid workmen worked during the months of June and July, 1968, the management has produced attendance register in respect of underground monthly paid workmen of Searsole Colliery from 1st January, 1968 to 31st January, 1969 (Ext. M. 2) and attendance register in respect of surface monthly paid workmen of Searsole Colliery from 1st June, 1968 to 31st December, 1968 (Ext. M. 3) which indicate that all the monthly paid workmen working underground as well as in surface had worked on all the working days during the months of June and July, 1968 excepting a few who were either sick or on leave for a few days during the said period. These two registers are also not maintained in the form prescribed in the Mines Act. At one stage the MW. 1 stated that out of 8 monthly paid office staff only 3 monthly paid office staff attended office and at another stage as already stated he categorically stated that none of the monthly paid staff worked during the month of June and July, 1968. He has further admitted that none of the monthly paid staff of the colliery was paid salary for the months of June and July, 1968. No reliance can be placed on the self-contradictory and contradictory statements of MW. 1 and MW. 2 and unreliable registers and paper exhibited by the management. No evidence, either oral or documentary has been adduced by the management to indicate that even the workmen who according to it worked during the relevant period was paid wages and allowance etc. for work allegedly done by them. On the contrary the MW. 1 admitted in cross-examinations that none of the monthly paid workmen was paid wages for the months June '68 and July '68. Shri S. K. Mukherjee, Dy. Director of Mines Safety, Sitarampur (WW. 1) has stated that the employment of persons of Searsole Colliery was prohibited by an order issued under Section 22(1A) of the Mines Act issued under the Directorate's letter No. RI/4289 dated 7th June, 1968 (W. 1) due to serious irregularities in the winding installation, cages, ropes etc., Shri Sunil Sen, Organising Secretary of the Sabha (WW. 2) has stated that there was closure of the colliery with effect from 10th June, 1968. He stood the test of cross-examination. His statement has been further corroborated by Shri Ramseray Teli, Trammer of Searsole Colliery (WW. 3) who has categorically stated that on 10th June, 1968 when he along with other workmen went for the work as usual, their attendances were recorded but neither there was Manager nor Assistant Manager to allocate work nor the colliery office was open. The statement of WW. 2 is further corroborated by the letter dated 11th June, 1968 written by him to the Assistant Labour Commissioner (C), Raniganj (Ext. W. 28) in which he had informed the Assistant Labour Commissioner (C), Raniganj that on and from 10th June, 1968 the workers went for duty but in the absence of the Manager and other supervisory staff they could not do their duties in first shift in both the pits, viz., pits Nos. 1 and 3 and that the management failed to take any action in the matter and also failed to make alternative arrangements and that in the 2nd and 3rd shifts the workers of pit No. 1 were not allowed to resume their duties and that the workers should be paid full wages from 10th June, 1968 onwards. Moreover, under its written statement, the management has admitted that there was temporary closure of the colliery from 10th June, 1968 to 20th June, 1968. Even in the terms of reference as incorporated in the arbitration agreement in question it has been admitted by both the parties that there was temporary closure from 10th June, 1968 to 20th June, 1968 under Section 22 of the Mines Act, 1952. In the circumstances, I have come to the conclusion that all the workmen employed at the colliery excepting a few workmen who worked to maintain the essential services were affected by the temporary closure of Pits No. 1 and 3 of Searsole Colliery with effect from 10th June, 1968 to 20th June, 1968.

6. The management has tried to make out a case in its written statement which has been briefly narrated earlier to indicate that it was not responsible for the temporary closure of the colliery from 10th June, 1968 to 20th June, 1968, but it has not adduced any evidence either oral or documentary to substantiate its case as made out in its written statement. There is absolutely no evidence either oral or documentary to indicate that there was surplus labour at the colliery, that the workmen resisted the proposal of the management to effect retrenchment, that the workmen had resorted to any strike much less frequent, prior to

10th June, 1968, to show that the workmen behaved in any indisciplined manner and that the financial position of the management had become bad. There is no evidence on behalf of the management to indicate that it took action to rectify the defects and the violation pointed out to them by the Directorate of Mines Safety from time to time. On the contrary, MW. 1 has admitted that the Sabha was co-operating with the management and that the disputes between the management and their workmen were always mutually discussed and settled between them amicably. Shri S. K. Mukherjee, Dy. Director of Mines Safety (W. 1) has stated that the notice under Section 22(1A) of the Mines Act was issued by the Directorate of Mines Safety under their letter No. JD/RI/14466 dated 10th November, 1967 (W. 3) pointing out the defects to the management. I have examined the Ext. W. 3 and I find that in the notice referred to above violations of regulations 80, 73(4)(b), 74(2), 182 read with regulation 73, 75(5), 190 read with regulation 73 were pointed out to the management by the Joint Directorate of Mines Safety and the management was called upon to fully rectify them by 31st December, 1967 failing which an order under Section 22(1A) of the Mines Act would be imposed. The letter dated 18th May, 1967 from the Organising Secretary of the Sabha addressed to the management (Ext. W.18) indicates that the Sabha had pointed out to the management that according to the Manager, Searsole Colliery there were serious violations on account of which it would not be possible to run the mine and that the Mines department would not allow the mine to work unless the violations were rectified and as such the Sabha requested the management to rectify the violations which had been continuing since long in spite of being pointed out to them by the Sabha on several occasions. In his letter dated 24th April, 1968 addressed to the Managing Director of M/s. Searsole Coal Co. Ltd., (Ext. W. 23), the Organising Secretary of the Sabha had precisely requested the management to make arrangements to rectify the mining and mechanical violations etc. and had also stated that if there would be any closure due to mining violations, the workers should be paid full wages for the period. Shri Sunil Sen (WW. 2) has categorically stated that the management had not informed the Sabha that there was any surplus labour force at the colliery, on the contrary, the management had retrenched about 50 loaders in 1967 and that there was no agreement between the management and the Sabha in April, 1968 as alleged by the management to the effect that the entire sale proceeds of coal despatched when received would be sent to colliery office at Raniganj. The WW. 1 had categorically stated that the defects pointed out by the Directorate of Mines Safety under their letter dated 10th November, 1967 were not rectified and hence the employment of workmen in the mine excluding those whose employment was essentially necessary for rectification of the defects was prohibited till the defects were rectified to the satisfaction of the Directorate of Mines Safety under their letter dated 7th June, 1968 (Ext. W. 1). This letter shows that although the defects were pointed out as early as in November, 1967, there had been no improvement in the rectification of the violations even though extension of time was allowed twice under their letter dated 24th January, 1968 and 20th March, 1968. The plea taken by the management for their inability to rectify the defects as mentioned in its written statement is not tenable firstly on account of lack of evidence in support of its contention and secondly in view of expert opinion of the Dy. Director of Mines Safety (W. 1) who has categorically stated that if the management had intention to rectify the defects they could have done it. There is nothing before me to indicate that the management took any action to rectify the relevant defects prior to 10th June, 1968. I therefore hold the management responsible for the temporary closure of Pits No. 1 and 3 of Searsole Colliery from 10th June, 1968 to 20th June, 1968.

7. It has been conclusively proved that the management had not allowed the worker employed in Pits No. 1 and 3 to work. The Sabha, as stated earlier, had repeatedly pointed out the continued violations of the Mines Act and the regulations to the management and had approached it to rectify the defects, otherwise it would have to pay full wages for the period of closure eventually if the mine was closed by the Directorate of Mines Safety on account of its failure to rectify the defects. The workmen were made idle for no fault of their own. The management could have laid-off the workmen and paid lay-off compensation in accordance with the provisions of the I.D. Act and the rules made thereunder but admittedly this was not done. As this was not done, the workmen had to undergo unnecessary harassment. I am, therefore, of opinion that the demand of the workmen for payment of full wages for the period of temporary closure from 10th June, 1968 to 20th June, 1968 is fully justified so far as Pits No. 1 and 3 are concerned.

8. As regards the stoppage of work during the period from 21st June, 1968 to 28th July, 1968 in Pit Nos. 1 and 3, the case of the management is that the workmen themselves abstained from work, although called upon to do so with effect from the first shift of 21st June, 1968 and that they had resorted to illegal strike. Admittedly the management did not submit report on the alleged strike by the workmen from the first shift of 21st June, 1968 either in form "N" appended to the I.D. (Central) Rules or otherwise to any of the officers of the Central Industrial Relations Machinery. No evidence has been adduced by the management to substantiate that after the vacation of the order referred to above under section 22(1A) of the Mines Act by the Directorate of Mines Safety the management issued any letter or notice either to the workmen or to the Sabha or to any authority intimating the fact of such vacation and direction to the workmen to report for duty as usual. The Manager of the colliery, MW. 1, however, has stated that no underground work was resumed from the first shift of 21st June, 1968 but the workers in Pit No. 3 only worked in the 1st and 2nd shift on 21st June, 1968 and abstained from work subsequently thereafter and that no workmen in Pit No. 1 reported for duties on 21st June, 1968 or thereafter. Shri Pardeshi Rajbhar (MW. 2) did not corroborate the statement of M.W. 1. He has stated that in the month of June, 1968 there was strike because of non-payment of wages. He has added that so far as he remembered there was work in first and 2nd shift in Pit No. 3 either on 21st June, 1968 or on 22nd June, 1968. He has contradicted himself again and has stated that during the period 10th June, 1968 to 21st June, 1968 there was no work in the colliery because of shortage of amount in the payment of wages. In cross-examination he has admitted that from 11th June, 1968 there was no strike by the workmen. Exts. M. 1 which is attendance register of time rated workmen of Pit Nos. 1 and 3 from week ending 3rd December, 1968 to 31st March, 1969 is irrelevant. Ext. M. 2, Ext. M. 3 and Ext. M. 6 are unreliable documents for reasons already stated in paragraph 5. In the circumstances, I am not inclined to believe the story of the management that the workmen had absented themselves from work from 21st June, 1968 to 28th July, 1968. As against this, Shri Sunil Sen (WW. 2) has categorically stated that the colliery was closed from 10th June, 1968 to 28th July, 1968. In his cross-examination he has further stated that on 21st June, 1968 the workmen reported for duties in their usual shifts but there was none on behalf of the management either to direct them to go to their respective places of work or to supply them K. oil and as such the workers found themselves in a helpless position and could not work. Shri Ramaseraaya Tell (WW. 3) has also confirmed that no notice was issued by the management for providing them work. He has also confirmed that the workmen had not resorted to strike during the relevant period. It was suggested to him by the Manager (WW. 1) while cross-examining him on that he had reported sick on 10th June, 1968. He was also confronted with the counterfoil of sick certificate purported to have been issued to him by the Colliery Doctor. It was also suggested to him that he had taken medicine from the colliery dispensary from 10th to 15th June, 1968. He has categorically denied of having reported sick or to have any knowledge of any sick certificate being issued to him or to have taken medicine during the period referred to above. The management did not produce any evidence to substantiate that he was actually sick during the relevant period and that any sick certificate was issued to him. The Organising Secretary of the Sabha informed the Assistant Labour Commissioner (C), Raniganj under his letter dated 22nd July, 1968 (Ext. W. 32) that the workmen of Searsole Colliery had been most illegally stopped from joining their duties in utter contraventions of the Standing Orders and without any notice whatsoever and that suddenly work stoppage started from 10th June, 1968 which was still continuing with a view to totally demoralising the workmen so that they might gradually leave the colliery by taking whatever money which might be offered to them by the management and that the same amounted to lock-out. He also made it clear in that letter that the work stoppage was illegal and the workmen were entitled to full wages. The management did not produce any evidence to rebut the contention of the Sabha. In the circumstances, I hold that for the stoppage of work in Pits No. 1 and 3 of Searsole Colliery from 21st June, 1968 to 28th July, 1968 also the management was responsible. The workmen cannot be made to suffer in any way because they were not at fault, on the contrary the evidence before me sufficiently indicate that they were being harassed due to the callous attitude of the management inasmuch as they were being refused employment without any reason and that too without any notice and on top of all these they were not paid huge amount of their outstanding legal dues by way of earned wages, bonus, etc. The management should have realised that the rules of hire and fire and 'no work, no pay' are now matters of by gone days and the concept of social justice has undergone revolutionary changes after independence. If the management was not in a posi-

tion to provide work for any genuine reason, it could have laid off the workmen concerned and in that case they would have been entitled to lay off compensation for the relevant period in accordance with the relevant provisions of the I.D. Act. and the rules made thereunder. Admittedly this was not done. Any relief to affected workmen lesser than their full wages and all admissible allowances will mean giving premium to the management for its illegal actions and unfair labour practices. In the circumstances, the workmen who suffered on account of work stoppage in Pit Nos. 1 and 3 from 21st June, 1968 to 28th July, 1968 for which the management was responsible are entitled to full wages and all admissible allowances for that period excepting intervening weekly rest days.

9. Admittedly Quarry No. 3 was being run by Raising Contractor and the workmen engaged for raising coal from that quarry were engaged and paid wages, etc. by that contractor. As the raising contractor is not a party to the arbitration agreement and the master-servant relationship existed between the contractor and his workmen employed at Quarry No. 3, I am not in a position to express my opinion with regard to the alleged work stoppage in quarry No. 3 with effect from 21st June, 1968.

10. As regards quarry No. 2 of Searsole Colliery, the Manager, Shri P. N. Verma (MW. 1) has stated that the workmen employed at Quarry No. 2 worked upto 21st June, 1968 thereafter they also discontinued the work. In support of his statement the management produced attendance register in form "D" (Ext. M3) from week ending 22nd June, 1968 to 2nd November, 1968 to show that the workmen employed in Quarry No. 2 worked upto 21st June, 1968 and that none was present on 22nd June, 1968 and that 19 earth cutters again worked on and from 14th September, 1968. The strength of this earth cutters increased to 34 from 16th September, 1968 to 47 from 22nd September, 1968 and finally to 52 from 23rd October, 1968. The register further indicates that the total number of earth cutters on roll of Quarry No. 2 during the week ending 22nd June, 1968 was 138. The register also indicates that none of the earth-cutters worked during the period 22nd June, 1968 to 13th September, 1968, but the register does not indicate as to whether the workmen absented themselves from work or were refused work by the management during that period because there is no entry in the register to indicate that they were absent during the relevant period. Shri Sunil Sen (WW. 2) has stated that the work in Quarry No. 2 was resumed some time in the month of September, 1968 and added further that "the main reason for the management not to start the work in Quarry No. 2 was to drive away the old workmen to whom the management owed huge amount by way of legal dues". The notice dated 6th September, 1968 issued by the Manager, Searsole Colliery (Ext. W. 35) reads as under:—

"Quarry No. 2 will be started from 14th September, 1968, workers as per the list given below who were working in the Quarry during week ending 22nd June, 1968 when the quarry stopped work on (are) eligible to resume work. At least 50 workers in the order of seniority given in the list should report for duty on or before the date".

This notice indicates that it was the management which had stopped the work at the quarry because if the workmen would have abstained from the work, the language of the notice would have been different. In that event the question of starting the Quarry No. 2 with effect from 14th September, 1968 by the management would not have arisen. Moreover, in that case the Manager would have written that during the week ending 22nd June, 1968 when the quarry workmen stopped work and not that "during week ending 22nd June, 1968 when the quarry stopped work". Another important aspect of the matter which cannot be ignored is that the management neither intimidated nor gave any notice in form "N" appended to the I.D. (Central) Rules, 1957 to the Assistant Labour Commissioner (Central) Raniganj or to any other officer of the Central Industrial Relations Machinery regarding the alleged stoppage of work or the strike by the workmen employed in Quarry No. 2 with effect from 22nd June, 1968 nor initiated any disciplinary action against any of the workmen concerned for their alleged continued absence with effect from 22nd June, 1968. The pleas of the management that it did not do so with a view to maintaining harmonious labour-management relationship is not at all convincing inasmuch as the Coal Industry being a public utility service, it was obligatory on its part to give notice of any strike to the prescribed authority as per Section 22(3) of the I.D. Act. As against, these I find that in his letter dated 30th August, 1968 addressed to the Manager, Searsole Colliery (Ext. W. 39) with a copy to the Managing Director of Searsole Coal Co. Ltd., Calcutta, the Organising Secretary of the Sabha had complained to the Manager, Searsole Colliery that the quarry workers of No. 2 quarry were then without any employment for which the

management was responsible. It was also alleged therein that the attendances of the quarry workers were not being marked and that this matter was raised before the Manager by him earlier but nothing had been done till then. He further demanded that the old quarry workers be allowed to work with full back wages. The management neither challenged the authenticity of this letter nor produced any evidence to indicate that the allegations made by the Sabha were neither accepted by the management nor they were correct. Shri Sunil Sen (WW. 2) has stated that the "work in Quarry No. 2 was resumed some time in September, 1968". In his cross examination, he has admitted that work started in Quarry No. 2 with effect from 14th September, 1968. He has, however, qualified this statement by adding that only 50 workmen were provided with work by the management with effect from 14th September, 1968 and that about 200 workmen of Quarry No. 2 were refused employment even on 14th September, 1968 and on subsequent dates. He has however, conceded that the Sabha has already lodged the complaint about the alleged refusal of employment to the workmen concerned by the management with the Central Industrial Relations Machinery which is pending. In view of this and also in view of the terms of reference incorporated in the arbitration agreement in question vide clause (i) (3), I have to confine myself till the date on which Quarry No. 2 was started. Admittedly Quarry No. 2 was started with effect from 14th September, 1968 and as such I confine myself to the work stoppage at Quarry No. 2 during the period, 22nd June, 1968 to 13th September, 1968 and for the alleged refusal of employment to the workmen concerned on and from 14th September, 1968 they may avail of the machinery provided for in the I.D. Act for redressal of their grievances, if any. Finally, I have come to the conclusion that the management was responsible for closing Quarry No. 2 with effect from 22nd June, 1968 to 13th September, 1968 and consequential idleness of the workmen employed at Quarry No. 2 during the period referred to above. As the workmen were rendered idle for no fault of their own, they are entitled to full wages and all other admissible allowances from 22nd June, 1968 to 13th September, 1968 **excepting the intervening weekly rest days.**

11. In the result, I hold that the management of Searsole Colliery of M/s. Searsole Coal Co. Ltd., was responsible for the temporary closure of Pits No. 1 and 3 of the colliery named above with effect from 10th June, 1968 to 20th June, 1968 for the stoppage of work in the said pits from 21st June, 1968 to 28th July, 1968 and for the stoppage of work in Quarry No. 2 of the colliery named above from 22nd June 1968 to 13th September, 1968 and accordingly I direct that the management shall pay full wages including all admissible allowances to all the workmen of Pits No. 1 and 3 of colliery from 10th June, 1968 to 28th July, 1968 and to all the workmen of Quarry No. 2 of the colliery from 22nd June, 1968 to 13th September, 1968, **excepting intervening weekly rest days**, within fifteen days from the date on which this arbitration award becomes enforceable. The arbitration award is made accordingly and submitted to the Central Government under sub-section (4) of Section 10A of the I.D. Act, 1947.

(Sd.) K. SHARAN,

Regional Labour Commissioner (C), Asansol and Arbitrator.

[No. 6/91/68-LR. II.]

S.O. 1539.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Ballarpur Colliery of Messrs Ballarpur Collieries Company Limited, Nagpur, Post Office Ballarpur, District Chanda (Madhya Pradesh) and their workmen, which was received by the Central Government on the 3rd April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.
1600, WRIGHT TOWN, JABALPUR.

New Delhi, 24th March, 1969

PRESENT :

Shri G. C. Agarwala, Presiding Officer.

CASE REF. No.CGIT/LC(R) (37) OF 1968.

PARTIES :

Employers in relation to the management of Ballarpur Colliery of Ballarpur Collieries Company Limited, Nagpur, Post Office, Ballarpur, District Chanda (M.S.)

Vs.

Its workmen, Chokhoba, Timber Mazdoor

APPEARANCES:

For Employers.—Sri M. Kallash Kumar, Officer, Officer in Personnel Deptt.

For workman.—Dr. D. P. Kawadkar, President, Maharashtra Colliery Workers Union, Ballarpur.

INDUSTRY: Coal Mine.

DISTRICT: Chandrapur (M.S.)

AWARD

By Notification No. 3/9/68-LRII dated the 22nd May, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal, for adjudication:—

Matter of Dispute

Whether the management of Ballarpur Colliery of Messrs Ballarpur Collieries Company Limited, Nagpur, was justified in terminating the services of Shri Chokhoba son of Ramkishan, Timber Mazdoor with effect from the 27th February, 1968? If not, to what relief is the workman entitled?"

2. The workman concerned, Chokhoba, was a Timber Mazdoor in the Ballarpur Colliery of the Ballarpur Collieries Company, Nagpur. It may be mentioned that the company is not a "Limited" one and to this extent the description of the Company as Ballarpur Collieries Co. Ltd. is a misdescription. Similarly the mention in the first paragraph of the order of reference of Post Office Ballarpur district Chanda (Madhya Pradesh) is again a technical inaccuracy. District Chanda is in Maharashtra and not in Madhya Pradesh. These are, however, technical errors which do not affect the validity of the reference and the employers' objection, therefore, is not such which may merit serious considerations.

3. On 2nd August, 1967, the worker, Chokhoba was examined by the Colliery doctor who submitted a certificate on that date (copy Ex. E/1) stating that he was unfit to work because of poor vision and was advised to consult an eye specialist and get the vision corrected. On the strength of this certificate the Manager issued an order (copy Ex. E/2) advising him to consult a specialist, undergo treatment and then report for work, if found fit for work. Chokhoba took the treatment and got himself examined by an Eye Specialist, Dr. Y. H. Sirdeshpande. He gave a certificate on 18th September, 1967 (Copy Ex. W11), mentioning therein that he had examined Chokhoba on 28th August 1967 under mydriasis. He found the right eye visual acuity as minus 6/9 and of left eye minus 6/6. He recorded his opinion that he was visually fit to resume his duties as usual in the mines. According to Chokhoba he approached the Colliery Doctor with this certificate who directed him to go to the Manager. He then approached the Manager and showed him the certificate. The Manager gave him no directions and on subsequent days he was not allowed to meet the Manager by the Chowkidar. Consequently, on 8th January, 1968 he sent the medical certificate with an application under registered cover (Copy of the application Ex. W/2). In spite of this, he was not allowed to resume duties and therefore he approached the Union, Bombay Pradesh Mine Workers Union. His Secretary, Sri R. D. Singh, addressed an application to the Manager on 20th January, 1968 and took him to the Manager. As a result of his intervention, the management gave him work but not as a Timber Mazdoor. He was, however, employed for two weeks as Chowkidar and another two weeks as Screen Coolie from 27th January, 1968. On 27th February, 1968 he sent an application to the Manager appealing that he was receiving Rs. 3 per week less by reason of this change in duties and prayed that he be allowed to rejoin his original duties as a Timber Mazdoor (Ex. W/4). Instead of doing this, the management terminated his services by an order dated February 26/27, 1968 with effect from 5th March, 1968 on the ground that he had failed to give a fitness certificate after the expiry of six months. The order was purported to be exercised under Standing Orders Clause 20(4)(b) (Copy Ex. E/4). The worker, therefore, approached through conciliation which in due course resulted in this reference.

4. According to the management the workman had been given the unfit certificate dated the 2nd August, 1967 by the Colliery Doctor and the letter had been issued by the management on that date requiring him to consult a specialist and report for duties when found fit. He never approached the management. The management as a matter of grace waited for a further period of 25 days beyond six months before issuing the termination letter dated February 26/27, 1968 (Copy

Ex. E/4). When he had failed to produce the certificate the Standing Orders Clause 20(4)(b) was attracted and the services stood-terminated from 5th March, 1968. In the written statement-cum-rejoinder, the employers made no averment with regard to the allegation made by Chokhoba in his written statement that he had worked for four weeks from 27th January, 1968 to 27th February, 1968 till he was given a letter of termination with effect from 5th March, 1968. With regard to this allegation in the written statement, the employers simply stated that the worker did not work as a Timber Mazdoor at any time after 2nd August, 1967. It was further admitted that the services of the worker were terminated by the Manager by a letter dated 27th February, 1968 with effect from 5th March, 1968. Significantly, the averment that he worked for four weeks from 27th January, 1968 was skipped over by the management. Before the commencement of the hearing, the employers were required to produce relevant records and it was then found that in the hearing rendered on 19th, November, 1968 the employers representative instead of producing relevant records admitted the fact that the workman concerned, Chokhoba, had worked as Chowkidar for two weeks from 27th January, 1968 and then as Screen Coolie for next two weeks. In view of this admission they were not required to produce the records. The Manager of the mine, Sri M. K. Jha, came for the management as E.W.1 and attempted to explain this by saying that as a casual labourer the worker was employed without his knowledge by the Register Clerk and when the fact was brought to his notice by the Office Superintendent, he called the worker and told him that since he had not brought the fitness certificate he would not be given duties and was stopped from the temporary work. The worker did not protest and said nothing. No such question was put to Chokhoba when he came in evidence. If the story had been correct, it is natural to expect that Chokhoba in his cross-examination would have been put this as a suggestion of the management's case. In the absence of any such suggestion put to Chokhoba and omission to state it in the written statement-cum-rejoinder it would lead to the irresistible conclusion that all this is an after thought. It is difficult to believe that he would have been given duties without the knowledge of the Manager. Evidently he was employed on surface duty and when he complained on 27th February, 1967 that he was suffering a loss of Rs. 3 per week and prayed that he be given the original work, that the idea to terminate his services originated with the management on the ground of failure to produce the fitness certificate and his services were terminated by an order dated 27th February, 1968 to be operative from 5th March, 1968. It is also significant to notice that in the termination order there is no mention whatsoever that by mistake he had been allowed to work as Screen Coolie and Chowkidar as a casual labourer even though no certificate of fitness had been produced. That there had been a fitness certificate by an Eye Specialist admits of little doubt and copy thereof has been filed as Ex. W/1. It seems to have been sent either original or copy with the letter dated the 18th January, 1968 (Ex. W/2) which was sent by registered post. The Manager only evaded knowledge by stating that he did not remember if the worker had come with the copy of the medical certificate of fitness and application Ex. W/1. There is little doubt that such an application was sent by registered post and the medical certificate of fitness of the Eye Specialist had been sent to management with this letter and it had come to their knowledge even earlier.

5. The certificate of the Colliery doctor merely mentions that he was suffering from poor vision. No data had been mentioned therein. The certificate of the Specialist gave the data and he was of the opinion that the worker was visually fit to resume his duties. No special treatment was necessary, nor was rendered by the Specialist. As a matter of fact, for poor vision it is difficult to comprehend what specialist treatment for correction could be envisaged. If the vision was poor, it could be corrected by a pair of glasses. Instead of recommending that, curiously the doctor advised him to consult an Eye Specialist and the management asked him to undergo the line of treatment suggested by the Colliery doctor. No line of treatment had been suggested. The very fact that for poor vision he was made idle and was directed to consult specialist shows the *malafide* of the management. Whatever the worker could do was done and he produced a certificate of an Eye Specialist that his vision was good enough for mine duties. Even so, the management did not give him his original work and employed him as casual labourer for four weeks. They again made him idle and terminated his employment from 5th March, 1968 taking shelter under Standing Order Clause 20(4)(b). As a matter of fact, this clause of the Standing Orders is not meant for such cases. It runs as follows:—

"Clause 20(4)(b)—The workman has undergone medical treatment at the Colliery Hospital or elsewhere with permission of the Manager for

six months continuously and is not recovered from his ailment and not declared fit by the Medical Officer of the Colliery."

The workman had never undergone medical treatment at the colliery Hospital or elsewhere with the permission of the Manager for six months continuously and there is no declaration by the Medical Officer of the Colliery that he was not found fit even after treatment. The services, therefore, cannot be terminated under this clause of the Standing Orders. The whole action of the management was *malafide*.

Decision:—

The result is that the workman concerned, Chokhoba, is directed to be reinstated with back wage, as a Timber Mazdoor with effect from 27th February, 1968. He shall be entitled to continuity of service and attendant benefits. He shall further be entitled to Rs. 50 as costs from the management.

(Sd.) G. C. AGARWALA,
Presiding Officer.

Dated 24th March, 1969.

[No. 3/9/68-LRII.]

S.O. 1540.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Ballarpur Colliery, Nagpur and their workmen, which was received by the Central Government on the 7th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
1600, WRIGHT TOWN, JABALPUR (M.P.)

Dated March 25, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGIT/LC(R) (40) of 1968

PARTIES:

Employers in relation to the management of Ballarpur Colliery of Ballarpur Collieries Company Limited, Nagpur, Post Office Ballarpur, District Chanda (Maharashtra)

Versus

Their workmen represented through the Maharashtra Colliery Workers Union, P.O. Ballarpur, Distt. Chanda (M.S.).

APPEARANCES:

For employers—Sri M. Kailash Kumar, Officer in Personnel Department of the Co.

For Workmen—Dr. D. P. Kawadkar, President, The Maharashtra Colliery Workers' Union, Ballarpur, Distt. Chanda (M.S.).

INDUSTRY: Coal Mines.

DISTRICT: Chanda (Maharashtra)

AWARD

By Notification, No. 3/8/68-LRII, dated 7th June 1968, the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal, for adjudication:—

Matter of Dispute

Whether the management of the Ballarpur Colliery of Messrs. Ballarpur Collieries Company Limited, Nagpur, was justified in retrenching Shri P. B. Gade, Zamindari/Patwari Clerk with effect from the 10th January, 1968? If not, to what relief is he entitled?

2. The concerned workman, P. B. Gade, was appointed to the post of Patwari rather Zamindari Clerk by an appointment order dated 30th September, 1946 (Ex. W/1) issued by the Secretary of the Company. He had passed examinations

earlier in Patwari Manual and the Record of Rights as also in the Chain and Cross staff survey (Ex. W/1A and W/1B). His main duties were to plot out the areas with reference to maps of revenue department whenever applications for lease of company's land were made both on the spot and paper. The company used to let out land on nominal rent for construction of residential huts to colliery's employees and also to strangers. He also used to collect rents whenever in default. The Office Superintendent was in over all charge of this section and Gade used to assist him. For court litigation also, the power of attorney was in the name of Office Superintendent and P. B. Gade used to help him and look after the litigation work also. According to P. B. Gade, in 1946 he was entrusted with some work in connection with agricultural operations, a fact which was denied by the management. He was Joint Secretary of the Union, Maharashtra Colliery Workers Union, from 1964. The management retrenched him by an order of the Mines Manager dated 10th January 1968 (Ex. W/2). The order runs as follows:—

"The Management has decided to retrench you from service with immediate effect, since we abolish the post of Jamindari clerk at the colliery. We have also decided to pay you wages in lieu of one month's notice to be given under Section 25F(a) and to relieve you forthwith. You are directed to collect this notice pay along with retrenchment compensation admissible to you under Section 25F(b).

Notice u/s. 25F(c) of the said Act is being served on the appropriate Government for their information."

According to the management retrenchment compensation and one month's wages in lieu of notice had been offered to Gade that very day and the payment voucher had also been prepared but he deliberately did not accept the same till 2nd March 1968 when he accepted the payment of Rs. 3316.31 P. in full and final payment and without protest. It is, however, denied on behalf of the workman that he was offered any payment at the time of retrenchment and it was alleged that in spite of repeated demands for which he sent letters, payment was delayed till 2nd March, 1968. The main grievance of the Union is that there was no justification for retrenchment and the zamindari work of collection of rent is still being rendered by a junior clerk, Desh Pande. The grounds on which retrenchment has been challenged are enumerated in para 13 of the written statement and shall be dealt with serially when taking up issues. The following additional issues framed in the case will show the points in controversy between the parties:—

Addl. Issues

1. Whether the reference is bad for misdescription of the identity of the employers?
2. Whether reference should have been under Section 12(5) and is bad under Section 10(1)(d)?
3. Whether the workmen are estopped from challenging retrenchment having received payment on 2nd March, 1968?
4. Was the retrenchment invalid and unjustified for reasons mentioned in paragraph 13 of the Union's written statement?

Issues No. 1 and 2.—The plea with regard to Issue No. 1 was that there was a misdescription of the employers inasmuch as the Company has been described as Ballapur Collieries Company Limited, whereas it is not a "Limited" Company and that Ballapur, district Chanda, has been stated in the Madhya Pradesh in the description part of the order, whereas it is in Maharashtra State. These were technical objections and were given up by the employers representative at the stage of arguments. The plea under Issue No. 2 was also given up.

Issue No. 3.—The fact that the payment of retrenchment compensation and notice pay had been received on 2nd March, 1968 without protest does not estop the workman from challenging retrenchment. It is well known that there is no estoppel in industrial adjudication. He had been protesting from the very beginning and had appealed to all concerned in the company which shows that he had not acquiesced for the retrenchment. The issue is, therefore, answered in negative.

Issue No. 4.—Under grounds (a) and (b) of para. 13, it was stated that the retrenchment was affected by the Manager who was not the appointing authority. It is indeed true that he was appointed by the Secretary of the Company in 1946, but the Manager, Sri M. K. Jha, stated that the post had been abolished about ten years ago and since then he is making and terminating appointments. It is

not in the evidence of the workmen that the post of Secretary of the Company is still continuing. Consequently the Manager who is the proper authority under the Mines Act and the Standing Orders was the competent authority to terminate appointment. It is pertinent to note that in the various communications which were addressed by Gade to the manager and the proprietor, no complaint was made that the manager was not the competent authority to terminate the employment. There is, therefore, no substance in the plea.

In sub-para (c) of para 13, it was stated that the management failed to give reasons for such immediate termination in the retrenchment order. The requirement to state reasons of retrenchment under Section 25F(a) are necessary when one month's notice in writing is given. But when the workman has been paid wages in lieu of notice for the period of notice there is no such requirement to state reasons. Moreover, it is wrong to say that the reasons has not been given. In the retrenchment order, it was stated clearly that the management had decided to abolish the post of Zamindari Clerk. That was a sufficient requirement, if at all reasons had to be stated which as observed earlier were not necessary when wages in lieu of notice were being offered.

In Clause (d) it was alleged that the worker was not paid his retrenchment compensation at the time of retrenchment. The retrenchment order specifically states that he should collect the notice pay and retrenchment compensation which means an immediate offer of payment. The Manager, Sri M. K. Jha, has specifically stated that the voucher had been prepared and the worker deliberately did not accept payment. The fact that when the worker accepted the payment on 2nd March 1968 he did not record any protest on the voucher clearly indicates that he had no grievance for the late payment, otherwise he should have recorded a protest before accepting. Moreover, in communications dated 13th January, 1968 to the Manager (Ex. W/6) and to the Partner, Seth Sunder Lal Daga, dated 22nd January 1968 (Ex. W/7) which were both sent under registered post there is no specific mention of letter dated 11th January, 1968 alleged to have been sent under certificate of posting. Significantly it is doubtful if any letter dated 11th January, 1968 was at all sent to the Manager, a fact which is denied by the Manager himself. In these communications dated 12th January 1968 and 22nd January 1968 there is no specific mention that he went to receive payment but was denied by the cashier. The statement of Gade, therefore, in this connection cannot be believed.

In sub-para (e), it was alleged that the management failed to comply with the provisions of Section 25G I.D. Act and Rule 77 of the Industrial Disputes (Central) Rules. It is an admitted case that Gade was a Zamindari Clerk and there was no other clerk of this category in the establishment. Section 25G only enjoins maintenance of seniority list among workmen of the particular category to which the retrenched workmen belonged. Consequently, there was no occasion for maintenance of seniority list under Rule 77 of Industrial Disputes (Central) Rules and Section 25G I.D. Act is not at all attracted.

In sub-clause (f), it was stated that Gade was an office bearer of the Union and was a protected workman and the management failed to comply with the provisions of Section 33(3) I.D. Act and Rule 61 of Industrial Disputes (Central) Rules. There is nothing to indicate that he was a "protected" workman. The Manager, Sri M. K. Jha, admitted that Gade was Joint Secretary of the Union and he had seen him carrying files with the President in conciliation proceedings. He, however, stated that the management had not recognised any office bearer of this Union as "protected" workman and there were seven or eight unions operating in the colliery. Without recognition and following the prescribed procedure the mere intimation of the list of office bearers by the union will not make Gade a protected workman. Section 33(3) and Rule 61 do not arise. However, it is not alleged that for pendency of which reference there has been a breach of section 33 I.D. Act.

In the last clause (g) of para 13, it was stated that order of retrenchment was endorsed to Patwari which indicated that the post of Patwari was in existence. The manager has explained that this endorsement was made in a routine manner. The order was received by Gade himself and there was no flaw.

For justifiability of the retrenchment, it is in the evidence of the Manager, Sri M. K. Jha, that the practice of leasing out the colliery's land lying in the Busti for purposes of construction of residential huts had been stopped because the area was covered by new mining operation as also on account of agricultural operations. Gade made a general statement that the company was still leasing out plots for residential purposes and gave only two such instances, viz., (1) Ram

Autar and the (2) Azim Mull, Timber Mazdoors who were allotted plots for houses. The Manager, Sri M. K. Jha for Sri Ram Autar Singh stated that he had been occupying the site near the new mining operation and had been asked to shift to new site. No question was not for Sri Azim Mull. With the specific statement of the Manager that no plot had been leased out since the retrenchment of Gade, it is not at all possible to accept Gade's statement in this respect and disbelieve the management's case that leasing of the plot has been stopped. When once this is found to be so, the principal work for which he had been employed as Zamindari Clerk automatically came to an end. The collection of rent nodoubt is being done by Desh Pande, but it was admitted by Gade himself that Desh Pande was a general mazdoor. According to the Manager, Desh Pande was a peon and as such collected the rent and gave receipts.

As for agricultural operations, it is true that Gade has been given some work of this section as stated by him in his evidence and in support of which he filed some documents Ex. W/11, W/12 and W/12A. It is, however, pertinent to note that this was just by the way and his essential duty was of a Patwari as was described by the Administrative Officer in communication dated 28th October 1966 (Ex. W/12A). When the leasing of plots had been stopped, the management had ample justification to retrench him. There was no oblique motive on their part in affecting the retrenchment and on the ground that he was Joint Secretary of the Union. He had been an office bearer for quite a long time as Member executive and Secretary also. If that had been the motive, the management could have terminated the employment much earlier.

Decision:

The result is that the retrenchment of P. B. Gade is held to have been justified and he is not entitled to any relief. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer.
25-3-1969.

[No. 3/8/68-LRII.]

New Delhi, the 18th April 1969

S.O. 1541.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Golden Sinidih Colliery, Post Office Tundee, District Dhanbad and their workmen, which was received by the Central Government on the 9th April, 1969.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT
DHANBAD**

REFERENCE No. 69 of 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the Golden Sinidih Colliery.

Vs.

Their workmen.

APPEARANCES:

For employers.—Shri B. Joshi, Advocate.

For workmen.—Shri P. Burman, Secretary, Khan Mazdoor Congress.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 27th of March 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists, between the employers in relation to the Golden Sinidih Colliery, Post Office-Tundee, District Dhanbad, and their workmen by its order No. 2/165/66-LRII dated the 13th of December, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947

for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether Chandanmal Jain, Managing Contractor at Golden Sinidih Colliery, Post Office Tundee, District Dhanbad, was justified in refusing employment to Shri Ram Lochan Ram, Fireman, with effect from the 20th July, 1968?

If not, to what relief is the workman entitled?”

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 163 of 1966 on its file. While it was pending there the Central Government by its order No. 8/25/67-LRII dated the 8th May, 1967, transferred the dispute to the Central Government Industrial Tribunal No. 2, Dhanbad and there it was registered as reference No. 198 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this tribunal where it has been registered as reference No. 69 of 1968.

3 On 3rd January, 1968, Sri P. Burman, Secretary, Khan Mazdoor Congress filed written statement on behalf of the workmen. The employers filed written statement on 23rd December, 1968. Since the dispute has been settled amicably, I do not feel it necessary to state the respective cases of both the parties. On the 28th of March, 1969 the parties filed a compromise memo. It is duly verified by Sri P. Burman, Secretary, Khan Mazdoor Congress and Sri Ram Lochan Ram, the concerned workman on behalf of the workman. On behalf of the employers it is verified by Sri Chandanmal Jain, Managing Contractor and Sri B. Joshi, Advocate. According to the terms of compromise the concerned workman Sri Ram Lochan Ram will be provided with the job of a trammer in the colliery from the date he joins the post, not later than 2nd April, 1969 and the period from 20th July, 1968, till the date Shri Ram Lochan Ram joins the post of a trammer, will be treated as if he is on leave without any wages for the purpose of continuity of service only.

4. I consider the terms of compromise as satisfactory and fair. I accept the same and pass an award in terms of the joint settlement at annexure ‘A’ which shall form part of the award.

5. The award may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD.

REFERENCE NO. 69 OF 1968.

Employers in relation to the Golder Sinidih Colliery

AND

Their workmen.

That without prejudice to the respective contentions contained in the written statement, the parties have come to an amicable settlement on the following terms:—

1. That Shri Ram Lochan Ram will be provided with the job of a trammer in the colliery from the date he joins the post

2. That Shri Ram Lochan Ram will report for the duty of a trammer not later than 2nd April, 1969, failing which he will have no claim against the management for any job in the colliery.

3. That the period from 20th July, 1968, till the date Shri Ram Lochan Ram joins the post of a trammer, will be treated as if he is on leave without any wages for a purpose of continuity of service only.

4. That the above terms finally resolves all pending dispute of the Reference No. 69 of 1968.

It is therefore humbly prayed that the compromise may kindly be recorded and an Award passed in terms thereof.

Dated 26th March, 1969.

For workmen,

L. T. I. of RAM LOCHAN RAM,

Workman concerned,

Sd./- PRASANT BURMAN,

Secretary,

Khan Mazdoor Congress.

For Employers,

(Sd.) CHANDANMAL JAIN,

Managing Contractors.

(Sd.) B. JOSHI,

Advocate.

[No. 2/165/66-LRII.]

S.O. 1542.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Dhansar Colliery of Messrs Dhansar Coal Company Limited, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 9th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD.

REFERENCE No. 110 OF 1968

PRESENT:

Shri Sachidanad Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the Dhansar Colliery.

Vs.

Their workmen.

APPEARANCES:

For employers.—Shri S. S. Mukherjee, Advocate.

For workmen.—Shri Chinamoy Mukherjee, President Bihar Koyla Mazdoor Sabha.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 27th of March 1969

AWARD

1. The Government of India in the Ministry of Labour, Employment and Rehabilitation by their order No. 2/69/68-LRII dated the 30th of October, 1968 have referred to this tribunal an industrial dispute under section 10(1)(d) of the Industrial Disputes Act, 1947 existing between the employers in relation to the Dhansar Colliery of Messrs Dhansar Coal Company Limited, Post Office Dhansar, District Dhanbad, and their workmen in respect of the matters specified in the schedule extracted below:—

SCHEDULE

“Whether the management of Dhansar Colliery of Messrs Dhansar Coal Company Limited, Post Office Dhansar, District Dhanbad was justified in dismissing Sri Ulfat Saikh, Mining Sirdar, with effect

from the 30th January, 1968? If not, to what relief, is the workman entitled?"

2. On 30th November, 1968, the Bihar Koyla Mazdoor Congress filed the written statement on behalf of the workman Sri Ulfat Saikh. The case of the union is that Sri Ulfat Saikh, the concerned workman had been working in Dhansar Colliery as a Mining Sirdar for the last 24 years. The management did not pay the workman the wages as per recommendation of the Wage Board for the coal mining industry and they also did not pay the profit sharing bonus to the workman for the year 1966-67. The concerned workman Sri Ulfat Saikh demanded from the management his wages as per the Wage Board Recommendations which was not liked by the management. The management got annoyed with the concerned workman Sri Ulfat Saikh for having demanded the wages as per Coal Wage Board Recommendations. The management issued chargesheet dated 11th December, 1967, against the concerned workman and without holding proper enquiry or giving any reasonable chance to defend himself discharged the concerned workman with a motive for victimisation.

3. Employers filed written statement on 27th November, 1968. According to the management the concerned workman Sri Ulfat Saikh was given a chargesheet on 11th December, 1967, for certain misconducts as stated therein. In this explanation dated 15th December, 1967, he denied the charges. Thereupon a notice fixing the date of enquiry was issued to him on 20th December, 1967, because his explanation to the charge sheet was not considered satisfactory. By notice dated 20th December, 1967, the enquiry was fixed to be held on 26th December, 1967. Since the enquiry could not be held on that day, the concerned workman was informed by letter dated 27th December, 1967, that the enquiry would now be held on 3rd January, 1968. The enquiry was held on 3-1-68 and 13th January, 1968, and the concerned workman participated in the enquiry. In this enquiry he was given full opportunity to cross-examine the management witnesses and to defend himself. In defence he gave his own statement and did not produce any witness although he was told to attend the enquiry with his witnesses. The enquiry officer after considering the evidence recorded during the departmental enquiry came to the conclusion that the charges were established against Sri Ulfat Saikh, the concerned workman and submitted his report. Since the charges were established during the enquiry, the concerned workman was discharged from service by the Director's letter dated 27th January, 1968. According to the management the dismissal of the concerned workman was for proved misconducts and the management's action is bona fide and justified and the workman is not entitled to any relief.

4. One witness was examined on behalf of the workman viz., Sri Ulfat Saikh, the concerned workman. On behalf of the management one witness viz S. P. Srivastva was examined and seven items of documents were marked as Ext. M-1 to M-7. Ext. M-1 is the chargesheet dated 11th of December, 1967. The charge was that he was ordered on 8th December, 1967, at about 4-30 P.M. by the Asstt., Manager to go to the quarry to see the working places for providing work to the miners of No. 4 Pit incline and then to go to pit No. 2 as No. 4 pit incline working was closed. The second charge against him was that he misbehaved with the Asstt. Manager. The workman by his letter dated 15th December, 1967, denied the charges. Ext. M-6 and M-7 are notice of enquiry. Ext. M-7 is the letter dated 27th December, 1967, stating that the enquiry will be held on 3rd January, 1968, at 4 P.M. in the general office of the colliery and the concerned workman was requested to attend with his witnesses. The enquiry was held on 3rd January, 1968, and 13th January, 1968. In the enquiry Sri B. B. Dayal, Assistant Manager, Sri Jagdish Hari and Sri Pratap N. Jha were examined on behalf of the management. On the evidence of Sri B. B. Dayal, the assistant manager and Sri Jagdish Hari, the enquiring officer came to the conclusion that the concerned workman never went to pit No. 2. The concerned workman Sri Ulfat Saikh was also examined and on his statement and on the evidence of Sri Pratap Narain Jha, the enquiring officer came to the conclusion that the concerned workman Sri Ulfat Saikh misbehaved with the Asstt. manager.

5. In this case I find that the chargesheet was served on the employee and that the enquiry was held in the presence of the concerned workman. The enquiry was properly held into the alleged misconduct of the employee and the records show that the enquiry was conducted with the adherence to the principles of natural justice.

6. The Industrial Tribunal could not act as a court of appeal in scrutinizing the evidences and in reaching its own conclusion. The employer must have a free hand in the internal management of its own affairs. No outside agency should impose its will unless the action of the employer is lacking in bona fides or is manifestly perverse or unfair. There is no evidence that the action of the employer was mala fide or was actuated by unfair labour practice.

7. In this view of the case I am satisfied that the dismissal of Sri Ulfat Saikh, Mining Sirdar was justified and he is not entitled to any relief. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947

Sd./- SACHIDANAND SINHA,

President Officer.

[No. 2/69/68-LRII.]

S.O. 1543.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Bhowrah Colliery, Post Office Bhowrah, District Dhanbad and their workmen, which was received by the Central Government on the 9th April, 1969.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3)
AT DHANBAD**

REFERENCE NO. 88 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the Bhowra Colliery.

Vs.

Their workmen.

APPEARANCES:

For Employers.—Shri K. C. Nandkeolyar, Dy. C.P.O.

For Workmen.—None appeared.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, Dated the 28th of March, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery, Post Office Bhowrah (Dhanbad) and their workmen, by its order No. 2(172)/66-LRII, dated the 17th of February, 1967, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

Whether the management of Bhowrah Colliery, Post Office-Bhowrah, were justified in terminating the lien on the appointment of Shri Chhota Bharosi Pasi, Miner 10 seam and placing his name in the Badli list with effect from the 27th July, 1966? If not, to what relief is the workman entitled."

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 21 of 1967 on its file. While it was pending there the Central Government, by its order No. 2/25/67-LRII, dated the 8th of May, 1967, transferred the dispute to the Central Government Industrial Tribunal No. 2, Dhanbad where it was registered as reference No. 218 of 1967. The Central Government, by its subsequent order No. 8/71/68-LRII, dated the 13th of August, 1968 transferred the dispute to this tribunal where it has been renumbered as reference No. 88 of 1968.

3. 25th March, 1969 was the date fixed for hearing. On that date Sri K. C. Nandkeolyar, Dy. C.P.O. appeared on behalf of the employers. None appeared on behalf of the workman. The workman in this dispute did not appear even on previous dates i.e. on 23rd January 1969, 11th February 1969 and 15th March 1969. On 15th March, 1969 registered notice was served on the workman and was received by them on 31st March 1969 and they were informed that if they failed to appear on the date of hearing i.e. on 25th March 1969 the case will be disposed of in their absence. On 25th March 1969 the workman did not appear in spite of serving of registered notice. There is no explanation for this conduct, excepting disinterestedness in this dispute. I, therefore, hold that the workman is not interested in the proceeding.

4. In this circumstances, I presume that no dispute further exists between the parties and I record a "NO DISPUTE" award between the parties and hence my award accordingly.

5. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 2/172/66-LRII.]

S.O. 1544.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 9th April, 1969.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3)
AT DHANBAD**

REFERENCE No. 44 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the Digwadih Colliery of M/s. Tata Iron and Steel Company,

AND

Their workmen.

APPEARANCES:

For the Employers.—Shri L. H. Parvatyar, Legal Assistant.

For Workmen.—Shri B. N. Sharma, President, Congress Mazdoor Sangh.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 30th of March, 1969.

AWARD

1. The Central Government, being of opinion that an industrial disputes exists between the employers in relation to the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad, and their workmen, by its order No 2/126/66-LRII, dated the 20th of September, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

"Whether the action of the management of the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited in terminating the lien on the appointment of Shri Seoray, Miner, and placing his name in the Badli list with effect from the 13th June, 1966 was an act of victimisation? If so, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 136 of 1968 on its file. While it was pending there the proceeding was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government by its Order No. 5/25/67-LRII, dated the 8th of May, 1967 and there it was registered as reference No. 173 of 1967. The Central Government by its subsequent order No. 8/71/68/LRII, dated the 13th of August, 1968 transferred the dispute to this tribunal and here it has been registered as reference No. 44 of 1968.

3. The employers filed written statement on 22nd March 1968. Their case is that Sri Seoraty, as a Miner, was granted 10 days leave from 27th March 1966 on account of his father's illness. Sri Seoraty sent an application dated nil which was received on 10th May, 1966 accompanied by a medical certificate dated 4th May 1966. The management, however, did not grant extension of leave and he was accordingly informed by letter dated 13th May 1966. Sri Seoraty again sent a medical certificate dated 20th May 1966 from the same Doctor. But the Manager, Digwadih Colliery by letter dated 26th May 1966 again informed Sri Seoraty that since the medical certificate was not endorsed by the Mukhiya of the Gram Panchayat no extension of leave could be granted to him and he was advised to report for duties immediately. Sri Seoraty afterward submitted a certificate from the Head of the Gram Panchayat. There was discrepancy between the medical certificate and the certificate granted by the Head of the Gram Panchayat and therefore, the extension of leave was not granted. According to the management Sri Seoraty did not return within 8 days of the expiry of leave and offer satisfactory explanation of his inability to return and therefore, he automatically lost lien on his appointment and Sri Seoraty was intimated accordingly by letter dated 13th June 1966. According to the management the action of the management in terminating the lien on the appointment of Sri Seoraty, and placing him in the Badli list with effect from the 13th June, 1966 was not an act of victimisation. The employers are not aware if Sri Seoraty was a member of Congress Mazdoor Sangh or of any union at all at the relevant time

4. President, Congress Mazdoor Sangh filed the written statement on behalf of the workman on 31st October, 1968. Their case in brief is that Sri Sheoraty, Miner was working in permanent post for several years. He was sanctioned leave for 10 days commencing from 27th April, 1966 to 6th May, 1966. He submitted an application in writing on 4th May, 1966 to the Manager, Digwadih Colliery requesting him to grant extension of leave for 16 days. The Manager by his letter dated 13th May, 1966 refused to sanction extension of leave. Since his father was lying ill he sent another application on 20th May, 1966 for further extension of his leave for 25 days. Management by letter dated 26th May, 1966 rejected his request for extension of leave on the ground that the Medical Certificate sent by the workman in support of the illness of his father was not accompanied by the certificate of the Mukhiya of the Gram Panchayat. When his father recovered from illness, he came to the colliery on 19th June, 1966 which was a Sunday and he reported for duty on 20th June, 1966 to the Manager of the colliery, but the Manager did not allow him to resume his duty and he was verbally informed that his name had been struck off from the permanent rolls. It was further contended that clause 9 of the Company's Standing Order under which the management had terminated the workman's lien on his appointment and placed him in the Badli list does not apply to the workman concerned for reasons that he was in the employment of the company since before the Standing Orders were certified on 24th August, 1953 and had been enjoying immunity from disciplinary action for overstaying of leave unless the period of overstay had exceeded 30 days. According to the union the refusal to grant extension of leave was unjustified and illegal and it amounted to an act of victimisation.

5. On behalf of the workman one item of document has been filed and was marked Ext. W-1. Seoraty, miner, the concerned workman was also examined as a witness (WW-1) on behalf of the workman. On behalf of the management 16 items of documents were filed and were marked Ext. M-1 to M-16. The management also examined Sri Kulbhusan Trehan, (MW-1) as a witness on their behalf.

6. The point for consideration in this reference is whether the termination of lien on the appointment of Sri Seoraty, miner and placing him in the Badli list was an act of victimisation.

7. The admitted facts are that the concerned workman Seoraty was initially granted leave for 10 days i.e. from 27th April, 1966 to 6th May, 1966. On expiry

of his leave he did not return to join his duty on 7th May, 1966. He sent an application for extension of leave upto 22nd May, 1966 (Ext. M-1) and the letter was received by the manager on 10th May, 1966. It was accompanied by a medical certificate granted by Kabiraj L. N. Pandey dated 4th May, 1966. The extension of leave was not sanctioned. The concerned workman did not return on duty even on 22nd May, 1966 but submitted another certificate by the same doctor Sri Kabiraj L. N. Pandey for extension of leave from 22nd May, 1966 to 16th June, 1966. He also submitted a certificate from the Head of the Gram Panchayat dated 5th June, 1966. The extension of leave was not granted and by letter dated 21st June, 1966, he was informed that his name had been struck off from the permanent roll and was being entered into 'Badli' list vide Ext. M-11.

8. According to the management the concerned workman Sri Seoraty submitted a medical certificate Ext. M-2. In the body portion of the medical certificate it was stated that his father Gokhul Koeri was suffering from typhoid fever and was under treatment but in the medical certificate Sri Seoraty's own signature was attested as the patient's signature. According to the management there was obvious discrepancy in the medical certificate and therefore, the medical certificate was not accepted and extension of leave was refused. In the second medical certificate granted by Kabiraj L. N. Pandey on 20th May, 1966, it was stated that Sri Seoraty Koeri was himself suffering from typhoid fever. In the certificate granted by the Head of the Gram Panchayat (Ext. M-1) it was stated that his father was ill and that Seoraty was looking after his illing father. According to the management there was obvious discrepancy in the certificate granted by the Medical Practitioner and the certificate granted by the Gram Panchayat. Under these circumstances the management did not consider the explanation for the extension of leave as satisfactory and refused extension of leave.

9 Kabiraj Sri L. N. Pandey who granted the certificate or Sri Awadh Prasad Singh, the Head of the Gram Panchayat was not examined before me. Under such circumstances the management did not consider the explanation of over-staying the leave satisfactory and struck off the name of the concerned workman Sri Seoraty from the permanent rolls and entered his name in the Badli list.

10. The employers relied upon Standing Order No. 9 which runs as follows:—

Any direct employee of the Company other than a miner or loader who desires to obtain leave of absence shall apply in writing to the Head of his Department or the manager of the colliery. Employees who due to illiteracy do not apply in writing must apply verbally. If the employee remains absent beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless:

(i) he return within this 8 days of the expiry of the leave except those who have enjoyed the privilege of 30 days so far and

(ii) gives an explanation to the satisfaction of the manager of his inability to return before the expiry of leave. In case the employee loses his lien on the appointment he shall be entitled to be kept on the 'Badli' list.

11. In the case reported in *Buckingham and Carnatic Co. Ltd., Vs. Vekatayya*, 1963—(2)L.L.J., page 638 their Lordships of the Supreme Court have observed as follows:—

"The certified Standing Orders of a Company represent the terms and conditions of service of the employees of the Company in a statutory form and they are binding on the employer and the employees as much as the contracts of employment embodying similar terms and conditions of service. When the employers case is that the action taken by them is in accordance with the standing order, it is matter of construing the relevant terms of the Standing Order itself, and in such a case consideration of equity and fair play do not arise. When the relevant Standing Order leaves it to the management to decide whether the explanation of an employee for absence without leave is satisfactory or not, its decision to reject the explanation given by an employee in any case before it cannot be interfered with by the industrial tribunal or Court, or by the High Court under Article 226, unless it is shown to be unfair or mala fide."

12. Under the Standing Order 9 it is clear that a workman must lose his lien on his appointment unless he returns within eight days of the leave, even assuming that the leave had been extended in this case and also gives a satisfactory explanation as to his inability to return in time. In the instant case the concerned workman Sri Seoraty did not return within eight days of the sanctioned leave and he had failed to give satisfactory explanation of his absence, the lien on his appointment had come to an end automatically [Pure Kustore Colliery and Khan Mazdoor Congress, 1969 (1) L.L.J., page 133 relied upon.]

13. In the written statement of the workman a plea was also taken that the Standing Order 9 was not applicable in the case of the present miner Sri Seoraty for reason that he was in the employment of the Company since before the Standing Orders were certified on the 24th August, 1953 and had been enjoying immunity from disciplinary action for overstaying of leave unless the period of overstay had exceeded 30 days. But this contention has got no force.

14. The employers filed Ext. M-16, service record of Sri Seoraty and it shows that his date of appointment is 23rd May, 1960 i.e. after the Standing Orders were certified on the 24th of August, 1953.

15. The case of the workman is that this action of the management is on account of victimisation because of his Trade Union activities. In this connection the workman has examined himself but from his evidence it only transpired that he was simply a member of the Congress Mazdoor Sangh, though he has not filed any paper to show that he is a member of Congress Mazdoor Sangh. MW-1 Sri Kulbhusan Trehan, the manager, on the other hand stated in his evidence that he has no knowledge that Sri Seoraty was a member of Congress Mazdoor Congress or as a matter of fact of any union. The workman has not led any satisfactory evidence to show that the action taken by the management was discriminatory. The employee had not been able to prove the case of discrimination. The finding of victimisation can not be made either in a casual or light heartedly manner.

16. In this view of the case I hold that the action of the management of Digwadih Colliery in terminating the lien on the appointment of Sri Seoraty and placing him in Badli list with effect from 13th of June, 1966 was not an act of victimisation and the workman is not entitled to any relief.

17. This is my award. It may be submitted to the Central Government under section 10(1)(d) of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 2/126/66-LRII.]

New Delhi, the 19th April 1969

S.O. 1545.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of East Sitalpur Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 15th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 15 OF 1969

PARTIES:

Employers in relation to the management of East Sitalpur Colliery,

AND

Their workmen

PRESENT:

Shri B. N. Banerjee, Presiding Officer

APPEARANCES:

On behalf of Employers—Shri P. N. Chaturvedi, Chief Personnel Officer.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/121/68-LRII, dated January 25, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the management of East Sitalpur Colliery and their workmen, to this tribunal, for adjudication, namely:—

“Whether the management of East Sitalpur Colliery Post Office Ukhra, District Burdwan was justified in dismissing Shri Shiv Rajvar, Underground trammer with effect from the 7th September, 1968? If not, to what relief is the workman entitled?”

2. The workmen filed their written statement on March 3, 1969. No written statement was filed on behalf of the management. On March 22, 1969, however, there was a joint petition of compromise filed on behalf of both the management and the workmen. To-day was fixed for hearing of the petition of compromise. The Organising Secretary of the Colliery Mazdoor Union, who signed the petition of settlement did not appear to-day, Mr. P. N. Chaturvedi, Chief Personnel Officer of the colliery proved the petition of compromise by oral evidence.

3. Now that the dispute between the parties stands settled under a petition of compromise, I dispose of the reference in terms of the settlement. Let the petition of compromise form part of this award.

Dated,

(Sd.) B. N. BANERJEE,

April 7, 1969.

Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REF. No. 15 of 1969.

PARTIES:

Employer in relation to East Sitalpur Colliery.

AND

Their Workmen.

Most Respectfully submit jointly as under:—

(1) The present reference mentioned above arose a dispute raised by Colliery Mazdoor Union over the dismissal of Shri Seo Rajbhar, Underground Trammer, of East Sitalpur Colliery, with effect from 7th September 1968, and it is currently pending before the Hon'ble Tribunal vide the Tribunals Notice No. 15/69/1471 dated 10th February, 1969.

(2) The said Industrial Dispute was discussed mutually between the management and the Union recently and the following amicable settlement has been reached:—

- (i) Without prejudice to the contentions of the Parties as argued by them before the Asst. Labour Commission (Central), Raniganj and purely with a view to maintaining cordial relations at the colliery, the management hereby agrees to reinstate Shri Seo Rajbhar, Underground Trammer, with effect from 15th March, 1969.
- (ii) The intervening period of his unemployment, i.e. from 7th September, 1968 to 14th March, 1969 shall be treated as leave without pay for the purpose of continuity of service only.
- (iii) The parties will bear their own cost.
- (iv) The parties most respectfully pray that Hon'ble Tribunal may be pleased to pass Award in terms of the above mentioned settlement. For which act of kindness the parties, as in duty bound, shall ever pray.

For the workmen

Sd. Illegible
Organising Secy.,
Colliery Mazdoor Union,
15th March, 1969.

For the Employer.

Sd. Illegible
Manager,
East Sitalpur Colliery,
15th March, 1969.

[No. 6/121/68-LRII.]

ORDERS

New Delhi, the 15th April 1969

S.O. 1546.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Patmohana Colliery Post Office, Sitarampur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the suspension of Shri Deonandan Rajbhar, Miner of No. 2 Pit from the 17th September, 1968 by the management of Patmohana Colliery, Post Office Sitarampur, District Burdwan was justified? If not, to what relief is the workman entitled?

[No. 6/7/69-LRII.]

S.O. 1547.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pure Kustore Colliery of Messrs Pure Kustore Collieries Company Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Pure Kustore Colliery of Messrs Pure Kustore Collieries Company Limited, Post Office Kusunda, District Dhanbad, was justified in refusing employment to Sarvashri Pathi Bhar, and Kuber Jadav, Miners and Jagdish Turi, Winding Engine Khalasi, with effect from the 1st January, 1968? If not, to what relief are the workmen entitled?

[No. 2/235/68-LRII.]

S.O. 1548.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhaggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited of which Messrs B. P. Agarwalla and Sons (Private) Limited are the Managing Contractors, Post Office Jharua, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Bhaggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited of which Messrs B. P. Agarwalla and Sons (Private) Limited are the managing contractors,

Post Office Jharia, District Dhanbad in keeping the following workmen under suspension for the period shown against each is justified? If not, to what relief are these workmen entitled?

| Name of the workmen | Designation | Period of suspension |
|-----------------------------|-------------|-----------------------------|
| 1. Shri Sripathi Modi | Miner | From 25-12-1967 to 3-1-1968 |
| 2. Shri Kisto Modi | Miner | From 25-12-1967 to 3-1-1968 |
| 3. Shri Chhota Mahesh Modi. | Miner | From 30-3-1968 to 9-4-1968 |

[No. 2/257/68-LRII.]

S.O. 1549.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad, in keeping the following workmen under suspension for more than 10 days without wages from the date of issue of the charge sheets pending enquiries, and dismissing them ultimately, from the dates noted against each was justified? If not, to what relief are the workmen entitled?

| S. No | Name | Designation | Date of dismissal |
|-------|------------------------|-----------------|-------------------|
| 1 | 2 | 3 | 4 |
| 1. | Shri Baleswar Dusadh | Trammer | 3-6-1968 |
| 2. | Shri Rohan Mahato | Do. | Do. |
| 3. | Shri Sriram Singh | Do. | Do. |
| 4. | Shri Jagdish Dusadh | Do. | Do. |
| 5. | Shri Jibnarayan Dusadh | Do. | Do. |
| 6. | Shri Saudagar Dusadh | Do. | Do. |
| 7. | Shri Sitaram Gope | Do. | Do. |
| 8. | Shri Rameswar Singh | Do. | Do. |
| 9. | Shri Ritu Mahato | Do. | Do. |
| 10. | Shri Gangoo Orang | Do. | Do. |
| 11. | Shri Rasul Miah | Do. | Do. |
| 12. | Shri Bideshi Dusadh | Miner | Do. |
| 13. | Shri Baleswar Dusadh | Pump Khalasi | Do. |
| 14. | Shri Moti Modak | Do. | Do. |
| 15. | Shri Ibrahim Miah | Onsetter | Do. |
| 16. | Shri Sreedhar Sarkar | Haulage Khalasi | Do. |
| 17. | Shri Khatir Miah | Do. | Do. |
| 18. | Shri Dukhu Mahato | W. E. Khalasi | Do. |
| 19. | Shri Rameswar Lohar | Blacksmith | Do. |
| 20. | Shri Chakauri Dusadh | Miner | Do. |
| 21. | Shri Ramoo Orang | Do. | Do. |
| 22. | Shri Ratan Orang | Do. | Do. |
| 23. | Shri Bhaduri Orang | Do. | Do. |
| 24. | Shri Bhaktoo Orang | Do. | Do. |

| 1 | 2 | 3 | 4 |
|-----|--------------------------|---------------|-----------|
| 25. | Shri S. A. Bhatt | Overman | 12-6-1968 |
| 26. | Shri Babulal Dusadh | Fireman | 3-6-1968 |
| 27. | Shri Jamuna Dusadh | Do. | Do. |
| 28. | Shri Hiralal Orang | Pump Khalasi | Do. |
| 29. | Shri Kailu Gope | Line Mistry | Do. |
| 30. | Shri Mohan Singh | Do. | Do. |
| 31. | Shri Chunilal Paul | Latheman | Do. |
| 32. | Shri Ajit Kumar Banerjee | Mining Sirdar | Do. |
| 33. | Shri Ramsundar Gope | Fan Helper | Do. |
| 34. | Shri Gayadin Pashi | Banksman | Do. |

[No. 2/206/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)*New Delhi, the 15th April 1969*

S.O. 1550.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Bank of Baroda Limited and their workmen, which was received by the Central Government on the 10th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
1600, WRIGHT TOWN, JABALPUR.

*New Delhi, the 2nd April 1969.***PRESENT :**

Shri G. C. Agarwal, Presiding Officer.

CASE REF. No. CGIT/LC(R) (55) OF 1968.

PARTIES:

....

Employers in relation to the Bank of Baroda Limited, Baroda (Rajasthan)

Versus

Their Workmen

Represented through the Rajasthan Bank Employees Union, Madan Gopal Ji Ka
Mandir, S. M. S. Highway, Jaipur (Rajasthan).

APPEARANCES:*For employers*—Shri M. S. Jha, Advocate, Authorised representative.*For workmen*—None**INDUSTRY:** Bank**DISTRICT:** Jaipur (Rajasthan).**AWARD**

By Govt. Notification No. 23/72/68/LRIII dated 12th November, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal for adjudication.

Matter of Dispute

Whether the termination of service of Shri K. P. Thakore probationary clerk in the Kota Branch of the Bank of Baroda Limited, Baroda with effect from the 10th March, 1968 by the management of the Bank of Baroda Limited, Baroda was an act of victimisation. If so to what relief is he entitled?

The case related to the termination of a probationary clerk, Shri P. B. Thakore which was sponsored by the Rajasthan Bank Employees Union, Jaipur. After the

reference both parties filed written statements followed by rejoinders. A communication was subsequently received from the Vice President of the Union informing that the workman concerned has secured an appointment in another bank and therefore did not desire to pursue the dispute. The Union consequently would not press the matter further and requested that "no dispute award" be recorded. When the case was taken up on the date of preliminary hearing which was 28th March, 1969 none turned up for the Union and the workman concerned was also not present. It is evident that neither the Union nor the workman concerned is interested in the dispute. As such a "no dispute award" as prayed by the Union is hereby recorded. No order for costs.

2nd April, 1969.

(Sd.) G. C. AGARWALA,
Presiding Officer.
[No. 23/72/68/LRIII.]

ORDERS

New Delhi, the 16th April 1969

S.O. 1551.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Best Minerals Private Limited, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Bombay constituted under section 7A of the said Act.

SCHEDULE

- I. Whether the action of the management of Messrs Best Minerals Private Limited, Nagpur, in not granting increments to the following employees employed in their Chargaon Group of Mines for the years 1967 and 1968 was justified, having regard to the fact that increments have been granted to Sarvashri R. M. Gokhle, Cashier, Rajaram, Peon, S.R. Bhalirao, Mine Foreman and Gangadhar Arbhi, Clerk during the said period:—

| S.N. | Name | Designation | Rates of wages. |
|------|--------------------------|--------------|-----------------|
| 1. | Shri Hemraj | Mate | Rs. 62.00 |
| 2. | Shri H. R. Thakkar | Foreman | Rs. 103.50 |
| 3. | Shri R. G. Mikde | Clerk | Rs. 84.00 |
| 4. | Shri Lakshman Dongre | Mate | Rs. 62.00 |
| 5. | Shri Baliram Tongre | Manager | Rs. 85.00 |
| 6. | Shri Dhopte | Time-keeper | Rs. 75.00 |
| 7. | Shri Gedam | Siding Mate | Rs. 75.00 |
| 8. | Shri Keshav Maniram | Workman | Rs. 43.00 |
| 9. | Shri Nandu Singh Joda | Workman | Rs. 54.00 |
| 10. | Shri Tilak Singh Bahadur | Siding W. H. | Rs. 90.00 |

II. If not, to what relief are the workmen entitled?

[No. 35/20/68-LRI.]

New Delhi, the 17th April 1969

S.O. 1552.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Ruby General Insurance Company Limited, Calcutta and their workman in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Messrs Ruby General Insurance Company Limited, 8, India Exchange Place, Calcutta-1, is justified in terminating the services of Shri R. C. Meheshwary with effect from the 1st September, 1968? If not, to what relief is the workman entitled?

[No. 25/47/68-LRIII.]

New Delhi, the 19th April 1969

S.O. 1553.—Whereas an industrial dispute exists between the employers in relation to Soap-stone mines of Messrs Associated Soapstone Distributing Company (Private) Limited, Udaipur (hereinafter referred to as the said Company) and their workmen represented by the Rajasthan Soapstone Khan Mazdoor Sangh, Udaipur (hereinafter referred to as the Union);

And, whereas, the said company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of subsection (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 1st April, 1969.

Agreement

(Under Section 10A of the Industrial Disputes Act 1947).

BETWEEN

Representing Employer.—Shri S. A. Naqvi, Agent, M/s Associated Soapstone Distributing Co. Pvt. Ltd., Udaipur.

Representing Workmen.—Shri B. Choudhry, General Secretary, Rajasthan Soapstone Khan Mazdoor Sangh, Bhatji Ki Bari, Udaipur.

It is hereby agreed between the parties to refer to following industrial dispute to the Arbitration of Shri O. Venketachalam, Chief Labour Commissioner (Central), New Delhi.

(i) Specific matters in dispute:

(a) "Whether the workmen employed in the Soap-stone Mines of Messrs Associated Soapstone Distributing Co. Pvt. Ltd., Udaipur are entitled to any wages for the period of strike from 4th February 1969 to 1st March 1969? If so to what extent".

(b) "Having regard to the Capacity of the Industry to pay and the prevalent rates of wages in the Soapstone Mines of the other employers whether the employers employed in the mines of M/s Associated Soapstone Distributing Co. Pvt. Ltd., Udaipur are entitled to any increase in their existing rates of wages? If so to what extent?".

(ii) Details of the parties to the dispute:

Messrs Associated Soapstone Distributing Co. Pvt. Ltd., Station Road, Udaipur.

AND

Rajasthan Soapstone Khan Mazdoor Sangh, Bhatji ki Bari, Udaipur.

(iii) Name of the Union representing the workmen in question:

Rajasthan Soapstone Khan Mazdoor Sangh, Udaipur.

(iv) Total No. of the workmen employed in the undertaking affected:

453 Approximately.

(v) *Estimated number of workmen affected or likely to be affected by the dispute:*

453 Approximately

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of two months in respect of first issue and within three months in respect of second issue or within such time as is extended by mutual agreement between us in writing. In case the award is not made within the aforementioned period the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for arbitration.

Witnesses:

1. *Sd./- O. P. SAKSENA,*

2. *Sd./- K. P. MEHTA.*

Representing Employer:

Sd./- S. A. NAQVI,

Representing Workmen:

Sd./- B. CHOUDHRY.

[No. 36/7/69-LRI-(i).]

S.O. 1554.—Whereas an industrial dispute exists between the employers in relation to the Soap-stone mines of Messrs Dhartidhan Private Limited, Udaipur (hereinafter referred to as the said Company) and their workmen represented by Dhartidhan Mazdoor Sangh, Udaipur (hereinafter referred to as the Union);

And, whereas, the said company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 1st April, 1969.

Agreement

(Under Section 10A of the Industrial Disputes Act 1947).

BETWEEN

Representing Employer.—Shri J. R. Taneja, Agent, Messrs Dhartidhan Private Ltd., Udaipur.

Representing Workmen.—Shri B. Choudhry, President, Dhartidhan Mazdoor Sangh, Bhatji Ki Bari, Udaipur.

It is hereby agreed between the parties to refer the following industrial dispute to the Arbitration of Shri O. Venketachalam, Chief Labour Commissioner (Central) New Delhi.

(1) *Specific matters in dispute:*

(a) "Whether the workmen employed in the Soap-stone Mines of Messrs Dhartidhan Private Ltd., Udaipur are entitled to any wages for the period of strike from 11th February 1969 to 1st March 1969? If so to what extent".

(b) "Having regard to the Capacity of the Industry to pay and the prevalent rates of wages in the Soap-stone Mines of the other employers whether the employees employed in the mines of M/s Dhartidhan Private Ltd., Udaipur are entitled to any increase in their existing rates of wages? If so to what extent?"

(ii) *Details of the parties to the dispute:*

Messrs Dhartidhan Private Limited, Sundervas, Udaipur,

AND

Dhartidhan Mazdoor Sangh, Bhat Ji Ki Bari, Udaipur.

(iii) *Name of the Union representing the workmen in question:*

Dhartidhan Mazdoor Sangh, Udaipur.

(iv) Total No. of the workmen employed in the undertaking affected:
150 Approximately.

(v) Estimated number of workmen affected or likely to be affected by the dispute:
150 Approximately.

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of two months in respect of first issue and within three months in respect of second issue or within such time as is extended by mutual agreement between us in writing. In case the award is not made within the aforementioned period the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for arbitration.

Witnesses :

1. Sd./- O. P. SAKSENA,

2. Sd./- K. P. MEHTA.

Representing Employers :

Sd./- J. R. TANEJA,

Representing Workmen :

Sd./- B. CHOUDHRY,

[No. 36/7/69-LRI(ii).]

CORRIGENDUM

New Delhi, the 17th April 1969

S.O. 1555.—In the Order of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. 1282, dated the 22nd March, 1969 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 5th April, 1969 on page 1283 for the words "Shri P. K. Gupta" read "Shri K. P. Gupta".

[No. 25/10/69/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th April 1969

S.O. 1556.—Whereas the State Government of Tamil Nadu has, in pursuance of clause (d) of sub-section (1) of Section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Dr. P. S. Kumaravelu, Additional Director of Medical Services, Employees' State Insurance Scheme, Government of Tamil Nadu to be a member of the Medical Benefit Council in place of Dr. (Kumari) A. B. Marikar;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899 dated the 27th September, 1966, namely:—

In the said notification, under the heading "(Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10)", for the entry against item (10), the following entry shall be substituted, namely:—

"Dr. P. S. Kumaravelu, Additional Director of Medical Services, Employees State Insurance Scheme, Government of Tamil Nadu, Madras.

[No. F. 3/3/69-HI.]

CORRIGENDUM

New Delhi, the 17th April 1969

S.O. 1557.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4195, dated the 15th November, 1968, published at page 5435 of the Gazette of India, Part II, Section 3, Sub-section (ii).

In the Table attached to the said notification in serial No. 1, column 1, for "Redrying manufactured leaf tobacco" read "Redrying un-manufactured leave tabacco".

[No. F. 6/81/68-HI.]

DALJIT SINGH, Under Secy

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 16th April 1969

S.O. 1558.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the States of Punjab and Haryana Shri P. C. Soti, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Jullundur, as Managing Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 8/236/ARG/62.]

A. G. VASWANL,

Settlement Commissioner (A) and *Ex-Officio* Under Secy.

वित्त संचालय

(राजस्व और बीमा विभाग)

आदेश

नई दिल्ली, 4 जनवरी 1969

एस० नो० 1559.—विदेशी मुद्रा विनियमन अधिनियम, 1947 (1947 का 7) की धारा 2 ख द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम की धारा 19ख के अधीन, प्रवर्तन सहायक निदेशक की शक्तियों का प्रयोग करने के लिए बंगलौर में हर एक केन्द्रीय उत्पाद-शुल्क सहायक कलक्टर और मद्रुरै में केन्द्रीय उत्पाद-शुल्क सहायक कलक्टर को एतद् द्वारा प्राधिकृत करती है।

[सं० 1/69-एफ० इ० आर० ए/फा० सं० 1/7/68-टेक० ...]

रमेशचन्द्र मिश्र, उप सचिव।

